

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16688 of 2016

Arising Out of PS.Case No. -201 Year- 2015 Thana -KOILWAR District- BHOJPUR

- =====
1. Satyendra Pandey
 2. Birendra Pandey
Both sons of Sri Rameshwar Adhar Pandey
 3. Daya Shankar Pandey
 4. Kripa Shankar Pandey
Both sons of Sri Birendra Pandey
 5. Sanjay Pandey, son of Sri Rameshwar Adhar Pandey
 6. Shashi Kant Pandey, son of Sri Umeshwar Adhar Pandey
All residents of Village- Pachrukhiya Kala, Police Station- Koilwar in
the district of Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Advocate
For the Opposite Part : Mr. Rana Randhir Singh(App)
For the Informant : Mr. Gopal Govind Mishra

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 22-06-2016 Heard learned Senior Counsel for the petitioners and
learned Additional Public Prosecutor for the State as well as
learned counsel appearing on behalf of the informant.

The petitioners apprehend their arrest in connection with a
case registered for the offences punishable under Sections 341/
323/379/302/34 of the Indian Penal Code.

Diary in this case was called for earlier which has since
been received.

After hearing learned Senior Counsel for the petitioners and
on perusal of the case dairy, it appears that a serious altercation
took place between the parties. Learned Senior Counsel for the

petitioners however, submits that the entire case is false and fabricated and, in fact, they had themselves entered the house of the petitioner for which a case was lodged by the wife of the petitioner No. 1 alleging widespread looting and indecent behaviour on the part of the petitioner as well as other family members of the petitioner.

After perusing the entire case diary and on perusal of the post-mortem report, it appears that the victim Raj Kumar Upadhyay died of head injury caused by Satyendra Pandey (petitioner No. 1) and one Sanjay Pandey (petitioner No. 5).

So far as the petitioners No. 2, 3, 4 and 6 are concerned, there is no specific allegation against them. As such, let the petitioners No. 2, 3, 4 and 6, namely, Birendra Pandey, Daya Shankar Pandey, Kripa Shankar Pandey and Shashi Kant Pandey, respectively, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Ara, Bhojpur, in connection with Koilwar P.S. Case No. 201/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

However, the prayer of anticipatory bail of petitioner No. 1
(Satyendra Pandey) and petitioner No. 5 (Sanjay Pandey) stands
rejected.

(Anjana Mishra, J)

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