

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36246 of 2015

Arising Out of PS.Case No. -139 Year- 2012 Thana -ARA NAWADA District- BHOJPUR

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Nand Gopal Pandey @ Fauji, Son of Late Ramjee Pandey, resident of
village - Jogiya, P.S. Bikramganj, District - Rohtas at Sasaram

.... Petitioner

Versus

The Central Bureau of Investigation, Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
Mr. Amrendra Nr. Rai, Advocate.
For the C.B.I. : Mr. Sanjay Kumar, SC, CBI.
For the State : Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

10 22-04-2016 Heard parties.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 302/34, 120(B) of the
Indian Penal Code and Section 27 of the Arms Act.

This case was instituted against unknown on account of
killing of informant's father and the petitioner's name has
appeared during course of investigation.

It is contended on behalf of the petitioner that except
suspicion, no material could be collected during investigation
against the petitioner. It is further contended that one of the co-
accused, namely, Abhay Pandey, who is on identical footing, has
already been granted anticipatory bail by a coordinate Bench of

this Court vide order dated 1.11.2013 passed in Cr. Misc. No.50094/2012 (Annexure-3). It is, thus, contended that suspicion, however, may be strong, it cannot take place of evidence. So far criminal antecedent of the petitioner is concerned, it is contended that two cases were registered 20-25 years back against him in which he is on bail.

Learned counsel appearing for the Central Bureau of Investigation has submitted that one Shivaji Rai has stated that the petitioner and others were seen one day prior to the occurrence near the place of occurrence in suspicious manner.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Nand Gopal Pandey @ Fauji be released on bail in the event of his arrest/surrender before the court below within a period of six weeks from today in connection with R.C. No. 3 (S)/2013 arising out of Ara (Nawada) P.S. Case No. 139/2012, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-III, Patna subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

However, the petitioner would be required to cooperate with the investigation and whenever required, he would

have to appear before the C.B.I. failing which if the matter is brought before the court below, it would be at liberty to take steps for cancellation of the bail bond of the petitioner.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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