

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38600 of 2016

Arising Out of PS.Case No. -183 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

=====

Brij Mohan Pandey Son of Late Balmiki Pandey Resident of Bindusar
Hamid, P.S. Siwan (M), District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Lalan Kumar, Advocate.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-11-2016

Heard both sides.

The petitioner seeks bail in Siwan (Mufassil) P.S.

Case No. 183/2016 registered under Section 302 and other
sections of the Indian Penal Code and Section 27 of the Arms Act.

Informant Ali Ahmad alleged that on 15.05.2016
after election of Mukhiya was over, while the informant along
with Sabir and Md. Hasnain was going to meet the villagers, the
accused persons waylaid them near the Darwaza of Vidya Singh.
Om Prakash Pandey, Brij Mohan Pandey (the petitioner), Jawahar
Yadav, Shankar Yadav, Amod Yadav, Lalan Chaudhary having
been armed with different arms came there and Jawahar Yadav
and Amod Yadav caught Md. Hasnain and Om Prakash Pandey
fired on Md. Hasnain. Md. Hasnain fell down on the ground after
having been injured. Brij Mohan Pandey assaulted Sabir Hussain

with Farsa on his head. The other accused persons are also alleged to have assaulted Md. Hasnain. Jawahar Chaudhary is alleged to have assaulted the informant with Farsa.

Learned counsel for the petitioner submits that the petitioner is not the assailant of the deceased Md. Hasnain. The petitioner is alleged to have assaulted Sabir Hussain with Farsa. Sabir Hussain got one lacerated wound 2" x 1/2" on right mid parietal region and vertex. Opinion with regard to the injury was reserved till X-ray report. The doctor stated that the injury was caused by hard and blunt object. Jawahar Yadav, Amod Yadav and Lalan Chaudhary have already been granted anticipatory bail by different benches of this Court.

Learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for bail and submitted that there is specific allegation that the petitioner assaulted Sabir Hussain with Farsa on his head. One lacerated wound was found on the head of Sabir Hussain but nature of the injury has not come as yet and X-ray was advised.

It appears that the petitioner has not assaulted Md. Hasnain, who is said to have been shot dead by Om Prakash Pandey. The petitioner is the assailant of Sabir Hussain. Sabir Hussain got one lacerated wound on his head and the opinion of

injury was kept reserved till X-ray report. For that the petitioner is in jail since 15.06.2016. The petitioner has already remained in jail for more than five months.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in Siwan (Mufassil) P.S. Case No. 183 of 2016.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--