

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50128 of 2016

Arising Out of PS.Case No. -382 Year- 2016 Thana -BUXAR District- BUXAR

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Ajay Kumar Pandey, S/o Deo Kumar Pandey, resident of Village - Gharari,
P.S. - Rajpur, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate
For the informant : Mr. Krishna Pd. Singh, Sr. Advocate
For the State : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
02.09.2016 in connection with Buxar Town P.S. Case No. 382/16,
registered for the offences punishable under Sections 326, 302, 34,
406 of the Indian Penal Code and under Section 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that the deceased husband of the informant was a property dealer
and had advanced some money to one co-accused Vikash Verma
and due to said money dispute some unknown miscreants have
killed the husband of the informant.

It has been submitted by the learned counsel for the



petitioner that he is innocent, has no criminal history and co-accused Santosh Paswan, who is a veteran criminal and number of cases are pending against him, has confessed his guilt of murder of the deceased. He has named the petitioner along with other co-accused as his associates, the eye-witnesses even at paragraphs 25 and 60 have not named the petitioner as committing the aforesaid offence and one of the accused on similar allegation has since been granted the privilege of bail in Cr. Misc. No. 51823 of 2016 on 30.11.2016.

However, learned counsel appearing for the informant submits that the involvement of the petitioner in the alleged offence has been supported by the witnesses in paragraphs 17, 157 and other paragraphs of the case diary, hence, opposes the prayer for bail.

Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances, submission of the parties and that since charge-sheet has already been submitted, from the material available, it does not appear that the petitioner's liberty on bail would adversely affect his trial and that one of the co-accused on similar allegation has since been granted the privilege of bail, let the petitioner, above named, be enlarged



on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar Town P.S. Case No. 382/16, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the jurisdiction of concerned police station/ court and that the petitioner should appear before the court below as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Rajesh/-

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