

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37534 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -IMAMGANJ District- GAYA

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Ashutosh Pandey @ Nandu Pandey Son of late Vidya Pandey Resident of
Village- Pipra, P.S.- Imamganj, District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 18-11-2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Imamganj P.S. Case No.75 of 2016 for the offences registered
under section 307 and other minor sections of the Indian Penal
Code and Section 27 of the Arms Act.

There is specific allegation against the petitioner that he
made firing twice but the firing of the petitioner did not hit the
injured. However, the injured fell down on the earth and
thereafter, he was caught by F.I.R. named accused including the
petitioner and later on, he was badly assaulted. The injury report
of injured goes to show that altogether three injuries were found
on his person and out of them two injuries are said to be dangerous

to his life whereas one injury was found grievous in nature.

Learned counsel for the petitioner seeks pre-arrest bail on the ground that it was co-accused Sanjay Pandey, who is said to have assaulted the injured and the aforesaid Sanjay Pandey has already been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 21.9.2016 passed in Cr. Misc. No.39099 of 2016.

Learned counsel appearing for the informant points out that prayer for anticipatory bail of six F.I.R. named accused has been rejected by a Co-ordinate Bench of this Court vide order dated 16.9.2016 passed in Cr. Misc. No.36536 of 2016.

Regard being had to the aforesaid facts and circumstances as well as submissions of the parties, I do not feel it proper to extend the privilege of anticipatory bail to the petitioner and, accordingly, his prayer for anticipatory bail in connection with Imamganj P.S. Case No.75 of 2016 pending in the court of S.D.J.M., Sherghati (Gaya) stands rejected. However, this order shall not cause any prejudice to the competent court while considering the regular bail application of the petitioner.

(Hemant Kumar Srivastava, J)

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