

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47333 of 2016

Arising Out of PS.Case No. -77 Year- 2016 Thana -CHARPOKHARI District- BHOJPUR

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Manish Pandey son of Bajrangi Pandey Resident of Village- Bhairodih,
P.S.- Char Pokhari, Dstrict- Bhojpur at Ara (Bihar)..... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Binod Kumar 2

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 15-12-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Char Pokhari
P.S. Case No. 77 of 2016 registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 302, 504, 506 of the
Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the informant, his father Vinod Pandey and one
Sudarshan Pandey were returning their house after enjoying Holi
from the house of Bhagirath Pandey, in the way the accused
persons including the petitioner surrounded them and started
abusing them, when the father of the informant protested, then co-
accused Bajrangi Pandey caught hold of his both hands and
instigated other accused to kill, thereafter, other accused persons
shot him on account of which he sustained firearm injury and fell
down on the earth and ultimately died. It is alleged that the



petitioner shot fire which hit in the back of the deceased.

Submission is of false implication and that the petitioner is in custody since 08.09.2016, chargesheet has already been submitted, there is no chance of tampering with prosecution evidence. Two co-accused Bajrangi Pandey and Guddu Pandey have been allowed bail by another co-ordinate Bench of this Court, post mortem report does not corroborate the prosecution version and according to that report Upendra Pandey is the assailant and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail by submitting that there is specific allegation of firing upon the deceased against Ranjan Pandey, the petitioner and Upendra Pandey.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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