

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39469 of 2016

Arising Out of PS.Case No. -124 Year- 2016 Thana -AURANGABAD TOWN District-
AURANGABAD

=====

Sanoj Pandey, Son of Nawal Kishore Pandey, resident of Mohalla - Sri Krishna Nagar, P.S. - Nagar, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Ajay Kumar Thakur and
Mr. Ravi Ranjan, Advocate.
For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.
For the Informant: Mr. Lokesh Kumar Singh, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-09-2016 Heard both sides.

The petitioner apprehends his arrest in Aurangabad Nagar P.S. Case No. 124 of 2016 registered under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

The father of the deceased alleged that while he had gone to Shiv Temple on 14.04.2016 at about 6:30 in the morning, he saw that Manoj Sharma had put his son Sanjay Sharma down on the ground and Manish Sharma fired at him. On alarm, neighbours and daughter-in-law and grand daughter-in-law of the informant also saw the occurrence. The informant further alleged that his son had some altercation with Sanoj Pandey (the petitioner) a few days ago and he had threatened his son to teach a lesson.



Sri Ajay Kumar Thakur, learned counsel for the petitioner submits that save and except suspicion there is absolutely no material in the entire case diary. From perusal of the F.I.R. itself, it appears that the petitioner was not even present at the place of occurrence. Even during the course of investigation, none of the witnesses disclosed about the presence of the petitioner at the place of occurrence. The brother-in-law of the deceased, in Para 117 of the case diary, disclosed that he saw the petitioner going along with a few persons on a motorcycle before the occurrence and after some time, he heard about the killing of his brother-in-law.

Learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail.

Sri Lokesh Kumar Singh, learned counsel for the informant, submitted that the call details report of the accused persons were taken out and it transpired that the petitioner had talked with the accused persons on 11.04.2016, i.e., three days prior to the occurrence but no voice record of the petitioner was taken. On such, learned counsel for the petitioner submits that the petitioner never telephoned the accused persons rather one of the accused called the petitioner on his mobile once on 11.04.2016.

It appears that the informant has made a very specific

allegation against Manoj Sharma and Manish Sharma in the last paragraph of the F.I.R. The informant alleged that the petitioner had also verbal altercation with the deceased a few days ago and the petitioner had threatened the deceased of dire consequences. Even during the course of investigation, no tangible material is collected to show the involvement of the petitioner save and except the suspicion.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, 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, Aurangabad in Aurangabad P.S. Case No. 124/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Dilip/-

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