

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13441 of 2016

Arising Out of PS.Case No. -60 Year- 2015 Thana -BHADAUR District- PATNA

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1. Gajanand Pandey, S/o Amir Pandey, R/o village - Bakawan, P.S. - Bahadur, District - Patna.
 2. Bullu Singh, S/o Late Raj Kishore Singh, R/o Village - Sirasi, P.S. - Bhadaur, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Sr. Advocate
Mr. Vipin Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary 1(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 09-09-2016 Heard learned counsel for the petitioners and the

learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Bhadaur P.S. Case No.60 of 2015 registered for the offence under Sections 307, 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Diary in the present case was called for, which has since been received.

Mr. P.K. Shahi, learned Senior Counsel appearing for the petitioners submits that though these petitioners are named in the F.I.R. and that the *Fard beyan* has been given at P.M.C.H. and recorded in the presence of S.I., T.O.P Emergency Ward, P.M.C.H., duly certified by and in presence



of BDO, Patna Sadar, Shri Rajeev Ranjan, the names of these two petitioners do not find place in the statement made by any of the witnesses, who were immediately present there at the time of occurrence. It is further submitted that the names of four other accused persons are consistently mentioned by each of the witnesses whereas the names of these two petitioners are conspicuous by their absence. Learned Senior Counsel further submits that the wife of the deceased Jawahar Singh, who died on the spot at the place of occurrence, namely, Uma Devi and Reeta Devi, the wife of deceased Prem Kumar Singh, who died subsequently at the PMCH, have categorically stated that there was a dispute between Raghunath Singh and Prem Kumar Singh with regard to the lands belonging to Jawahar Singh and Raghunath Singh was pressurizing him for handing over the same to him. It is further submitted that two days prior to the occurrence, there was also some altercation with regard to election dispute between Prem Kumar Singh and Bittu Singh, but these petitioners have had no dispute whatsoever with either of the deceased persons. Furthermore, the present petitioners are also having no criminal antecedents.

Learned counsel appearing on behalf of the State, after perusal of the case diary, has pointed out to several paragraphs of the case diary (Paragraph Nos. 9, 10, 11 and 66),

wherein the witnesses, who were present on the morning of the date of occurrence, have stated that four persons, namely, Raghunath Singh, Bittu Singh, Amit Kumar and Ramanand Singh, had indulged in indiscriminate firing. Further, in paragraph 53 of the case diary, Kanhaiya Kumar, who had been present in the house of the two deceased persons, has taken the names of those very four persons and not these petitioners.

In view of the aforementioned facts and circumstances and that there being no cogent material in the case diary to implicate the present petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of ₹10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Barh, in connection with Bhadaur P.S. Case No.60 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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