

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25786 of 2017**

Arising Out of PS.Case No. -25 Year- 2017 Thana -BAGAIINGOLA District- BUXAR

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1. Srikant Pandey, Son of Late Shiv Prasan Pandey, Resident of Village-Pokhrraha, P.S.-Bagen Gola, District-Buxar.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhirendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ahtash Ali Khan, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      03-07-2017                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

Petitioner is languishing in custody since 17.04.2017  
  
in connection with Bagen Gola P.S. Case No. 25/17 for the  
  
offences alleged under Section 307 and other allied Sections of the  
  
Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is  
  
that while he was going on tractor to sell husk, petitioner stopped,  
  
abused and slapped the driver of the tractor. When informant  
  
protested, petitioner also assaulted him. On hulla, several person  
  
from the side of the petitioner came there. Brothers of the  
  
petitioner armed with gun also came there, abused, instigated and  
  
fired. Thereafter police came, search was made and recovery of six



empty cartridges at the place of occurrence was made. Informant claimed that the reason behind the occurrence is previous enmity.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case due to dirty village politics and land dispute. There is a counter-case also filed by the petitioner's side against the informant's side and that Section 307 of the Indian Penal Code is not applicable as the allegation against the petitioner was only hitting the driver and the informant as also no case under Section 27 of the Arms Act is made out as there is no allegation against the petitioner of firing. It is submitted that although the petitioner does not have a clean antecedent but in two earlier old cases he has been acquitted and in one case i.e. Brahampur P.S. Case No. 14/92 he is on bail.

However, learned A.P.P. for the State opposes the prayer for bail stating that the petitioner does not have a clean antecedent and is feared by the villagers.

Considering the facts and circumstances and the materials on record, 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 Chief Judicial Magistrate, Buxar in connection with Bagen



Gola P.S. Case No. 25/17, subject to the condition that the petitioner will appear before the learned Court below on each and every date 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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