

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25406 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -DARIHAT District- SASARAM (ROHTAS)

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1. Sunil Pandey @ Naklu Pandey @ Sunil Kumar Pandey Son of
Bhuwaneshwar Pandey, Resident of Mohalla- Chotka Mor, P.S.- Sasaram
Mufassil , District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the State : Mr. Sri Sanjay Kumar Singh

For the Informant : Mr. S.N.P. Sinha, Sr. Advocate,
Mr. Kumar Praveen.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 21-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State as well as the informant.

The petitioner seeks anticipatory bail in Darihat P.S. Case
No. 16 of 2015 instituted for the offences under Sections 302,
201 and 120(B)/34 of the Indian Penal Code and Section 27 of
the Arms Act.

Petitioner is facing two criminal cases which have been
mentioned in paragraph 3 of the petition. The allegation in the
nutshell is that there was land dispute between the side of the
petitioner and informant's side.

It appears from the records of the case as well as from
argument of both sides that they are own agnates and there was
series of litigation for the purposes of deciding the right-title



between the parties. For few days brother of the petitioner approached to the deceased and requested him to come to the village for the purposes of settlement of dispute which is apparently clear from the First Information Report. As per First Information Report it has been alleged that dead body of the victim was found near his village and a motorcycle was standing there. The informant has shown apprehension that present petitioner and his associates including his brother under the conspiracy called the victim and killed him by strangulation and causing fire armed injury.

Learned counsel for the petitioner submits that only suspicion has been shown in the First Information Report. So far call details are concerned the same do not indicate that petitioner had given any call to the victim rather it is his brother namely, Jitesh Pandey, who had given call to the victim and it is he who had requested the victim to come to the village for settlement of the dispute. He submits that there is iota of evidence against the petitioner, inasmuch as petitioner was found in CCTV at Varanasi this part of story has not been investigated by investigating agency. Petitioner was not there in his village at the relevant period of time.

Learned counsel for the informant has placed reliance on paragraph nos. 6, 12, 13, 31 and 35 of the case diary.



After going through paragraph nos. 12 and 13 itself indicate that brother of petitioner along with Harendra Sah had gone at the place of the victim and he has requested that they wanted to settle the dispute and called him to the village for settlement. Paragraph 31 of the case diary is the statement of the mother of the victim which shows that the victim was there along with petitioner and other accused persons and they were remained in the night. Rajendra Sah was also there. Paragraph nos. 96 and 97 of the case diary indicates that mobile of the victim has received call of Sonu Pandey as well as Rajendra Sah.

In such view of the matter, this Court is not inclined to enlarge the petitioner on anticipatory bail. Accordingly the prayer for bail is rejected. If the petitioner surrenders before the court below within a period of four weeks from today, the court below will pass order on its own merit without being prejudice by the order passed by this Court.

Vinay/-

(Shivaji Pandey, J)

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