

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29437 of 2016

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

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Mukesh Pandey, Son of Sri Khaspujan Pandey, resident of village-
Bhairodih, P.S.- Char Pokhari, District- Bhojpur at Ara (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

For the Opposite Party/s : Mr. Manish Kumar 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 02-03-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Char Pokhari
P.S. Case No. 77 of 2016 instituted for the offence under Sections
147, 148, 149, 341, 323, 302, 504, 506 of the Indian Penal Code
and Section 27 of the Arms Act.

There is specific allegation in the Fard-beyan that
Bajrangi Pandey caught hold the hands of father of the informant
and Ranjan Pandey opened fire with rifle which crossed touching
the body of father of the informant. Thereafter, Manish Pandey
opened fire by country made pistol and Upendra Pandey @ Babua
Pandey made fire with rifle. The father of the informant after
receiving injury fell down and died.

It has been submitted on behalf of the petitioner that



the petitioner is not named in the written report. The name of the petitioner has been taken by the witnesses Birendra Pandey and Baijnath Pandey as mentioned in paragraphs 34 and 36 of the case diary.

From the written report itself it appears that both Birendra Pandey and Baijnath Pandey were not the eye witnesses of the occurrence. From the order of the Sessions Judge, it appears that the name of the petitioner has come in the statement of those witnesses mentioned in paragraphs-35 and 36 of the case diary.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Char Pokhari P.S. Case No. 77 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 2nd, Bhojpur at Ara, subject to the conditions as laid down under Section 438 (2) Cr. P.C.

(Sanjay Priya, J)

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