

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12689 of 2017

Arising Out of PS.Case No. -210 Year- 2016 Thana -KATEYA District- GOPALGANJ

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Ramesh Pandey, Son of Ramji Pandey, Resident of Village Ijara, P.S.
Kateya, District- Gopalganj Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 26-04-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Kateya
P.S. Case No.210 of 2016 registered for the offence punishable
under Sections 302 and 34 of the Indian Penal Code.

Allegedly, the petitioner and co-accused Ramji
Pandey came and called Prasidh Nath Pandey and took away to his
house and thereafter he was killed and the petitioner fled away
after leaving the dead body.

Submission is of false implication that First
Information Report has been lodged after five days without any
explanation. The informant was demanding land and on refusal he
lodged this case. As a matter of fact, the deceased was electrician
and during investigation it has come that he died due to electric
shock. Post mortem report also confirms that the deceased died



due to electric shock and, as such, the petitioner who is suffering in custody since 14.02.2017 deserves sympathetic consideration. No case under Section 302 of the Indian Penal Code is made out. The informant is not the eye witness.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail.

In the facts and circumstances as stated above, considering that during investigation it has come that the deceased died due to electric shock and, as such, the petitioner above named is directed to be released on bail on execution of 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, Goplaganj in connection with Kateya P.S. Case No. 210 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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