

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44320 of 2017

Arising Out of PS.Case No. -94 Year- 2016 Thana -SHEIKHOPUR SARAI District- SEKHPURA

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1. Navlesh Pandey Son of Late Ram Roop Pandey, R/o Village Mohabbatpur, P.S.- Shekhopur Sarai, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Kanhaiya Kishore

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 16.05.2017 in connection with Shekhopur Sarai P.S. Case No. 94 of 2016 for offences punishable under Section 302 and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that there was some altercation between the informant and the accused persons due to bricks being kept between the two houses and father of the informant Nagendra Pandey came to pacify the quarrel, but the petitioner along with his wife Jaimanti Devi assaulted him with bricks, as a result he died while being brought



to hospital for treatment at Barbigha.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, no external injury has been found as per the post mortem report and the informant's father was an old man who died of cardiac arrest and brain haemorrhage. He submits that the doctor, who had conducted post mortem, has also stated that the cause of death was internal haemorrhage and cardiac arrest. Petitioner is the nephew of the deceased and the matter relates to a civil dispute. He further submits that the wife of the petitioner, on similar allegation, has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 6355 of 2017 on 18.03.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-1st, Sheikhpura, in connection with Shekhopur Sarai P.S. Case No. 94 of 2016, subject to the following conditions :



- (i) Both the bailors would be close relatives of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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