

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38951 of 2017

Arising Out of PS.Case No. -4 Year- 2016 Thana -BUXAR INDUSTRIAL District- BUXAR

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Basuki Nath Pandey @ Lattu Pandey @ Laddu Pandey, Son of Onkar Pandey @ Malik Pandey, Resident of Village- Ramobalia, Police Station- Buxar Industrial, District- Buxar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Bindhyachal Singh, Advocate
	:	Mr. Parijat Saurav, Advocate
For the State	:	Mr. Ajay Kumar-I, APP
For the informant	:	Mr. Sanjay Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner, learned counsel for the informant as well as learned APP appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Buxar Industrial P.S. Case No.04 of 2016 registered under Sections 307, 302, 120B and 34 of the Indian Penal Code as well as Section 27 of the Arms Act.

Allegation in brief is that this petitioner caught hold the deceased and thereafter others shot at him.

Submission of the learned counsel for the petitioner is that it is a case of mistaken identity though the petitioner was named in the FIR but later on realizing his non-participation, another Bittu Pandey was named. Even in the restatement, the



informant or any other eye witnesses have not named this petitioner and police after conclusion of investigation has not sent up this petitioner for trial though cognizance has been taken by the Magistrate referring the paragraphs, which also do not contain the name of the petitioner and he has got no criminal antecedent.

Learned counsel for the informant vehemently opposed and submitted that there is specific allegation against him in the FIR.

Having considered the aforesaid facts and circumstances, let petitioner, named above, in the event of arrest or surrender before the court below within four weeks from today, be released 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 Chief Judicial Magistrate, Buxar in connection with Buxar Industrial P.S. Case No.04 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Arun Kumar, J.)

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