

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2871 of 2017

Arising Out of PS.Case No. -135 Year- 2016 Thana -NAWANGAR District- BUXAR

- =====
1. Subodh Pandey, S/o Birendar Pandey,
 2. Upendra Pandey, S/o Late Shiv Mangal Pandey,
 3. Arun Pandey, S/o Bharat Pandey,
 4. Rajadhari Pandey @ Rajendra Pandey, S/o Ram Akbal Pandey,
 5. Munna Pandey, S/o Bhupesh Pandey,
- All R/o Village- Budhaila, P.S.- Nawanagar, District- Buxar.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Vijay Kumar, Advocate

For the Opposite Party : Mr. Sri Arbind Kumar Pandey (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 10-02-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection with Nawanagar P.S. Case No. 135 of 2016 (G.R. No. 2591 of 2016), registered for the offences punishable under Sections 147, 148, 341, 323, 325, 307, 354 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioners being variously armed along with other co-accused started opening fire and then the informant came out and saw his cousin Santosh Ram and Mohan Rabani running and coming and when the informant went there



then saw that all have surrounded Santosh Ram, Bharat Pandey assaulted with *butt* of rifle on the head of Santosh Ram causing head injury and then Sushil Pandey with bad intention caught the hand of the informant and pulled and Subodh Pandey pointed out *desi kattta* and snatched two and half *bhars* gold chain and locket and further Subodh Pandey snatched ear ring and told to make her naked. The intention of the accused persons was to kill Santosh Ram and Suman Ram.

Submission is of false implication and that no offence as alleged is made out, the allegation under Section 379 of the I.P.C. is super addition and, as such, the petitioners deserve sympathetic consideration, as there is as case and counter case bearing Nawanagar P.S. Case No.133 of 2016 which has been lodged by petitioner no.1. The informant has received injury by sharp cutting object and this falsifies her allegation that she was assaulted by *butt* of rifle. The opinion has been kept reserved awaiting CT scan report.

The learned A.P.P. opposes the prayer of bail by submitting that against the petitioner no.1 there is specific allegation.

In the facts and circumstances as stated above, considering the specific allegation against the **petitioner no.1, I**



am not inclined to grant privileges of pre-arrest bail to him and accordingly his such prayer stands rejected.

But so far as, **petitioner no. 2 to 5** are concerned in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Nawanagar P.S. Case No. 135 of 2016 (G.R. No. 2591 of 2016), subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

Rajiv/-

U		T	
---	--	---	--

