

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47413 of 2017

Arising Out of PS.Case No. -146 Year- 2016 Thana -CHAND District- BHABHUA (KAIMUR)

=====

1. Tahalu Pandey, Son of Dau Pandey,
2. Jairam Pandey, Son of Ram Chandra Pandey,
3. Hareram Pandey, Son of Late Gulab Pandey, All resident of Village-
Khanaw, P.O.- Manihari, P.S.- Bhabhua, District- Bhabhua at Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Adv.
: Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 07-12-2017 Learned counsel for the petitioners has submitted that the petitioner no.1 has been taken into custody, therefore, this application has now become infructuous and seeks permission to withdraw this application with respect to petitioner No.1 only.

Permission accorded.

Accordingly, this criminal miscellaneous application stands dismissed as withdrawn having been infructuous with respect to petitioner No.1 only.

Heard learned ounsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Chand Police Station Case No. 146 of 2016, disclosing offences under Sections 302, 120(B)/34 of the Indian Penal



Code and Section 27 of the Arms Act.

Learned counsel for the petitioners has submitted that the petitioners, who are of fair antecedent, are innocent and have not committed any offence. Although the petitioners have been named in the F.I.R. with allegation that they have killed the brother of the informant but the informant in his restatement has stated that he got telephonic information about the occurrence. This fact contradicts the version of the prosecution and also creates doubt over the prosecution version. No independent witnesses have supported the prosecution version. Hence, the petitioners who are of clean antecedent deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner No. 2 and 3, above named, in the event of their arrest or surrender before the Court below within six weeks, 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 Judicial Magistrate, 1st Class, Kaimur at Bhabhua, in connection with Chand Police Station Case No. 146 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

brajesh/-

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

