

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75416 of 2018

Arising Out of PS. Case No.-187 Year-2018 Thana- KHUSRUPUR District- Patna

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1. Jitendra Pandey, S/o Shri Umesh Pandey.
 2. Munna Pandey, S/o Shri Umesh Pandey. Both are R/o Village-Baikunthpur Rajwara Tola, P.S.-Khusrupur,, District-Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Prakash Chandra Jha, Advocate.
For the Opposite Party : Mr. Sanjay Kumar Tiwary 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 302/34 of the IPC.

The prosecution story, in brief, is that the informant and his father Suresh Pandey was returning to home after marketing of household articles on 03.08.2018 at 7.30 P.M. and as he reached near the house of Chandra Gope, he saw co-accused Awadhesh Pandey, Raju Pandey, Ravi Shankar Pandey, Munna Pandey (petitioner no. 2), Satyendra Pandey, Jitendra Pandey (petitioner no. 1), co-accused Lalan Gope, Chandra Gope, Monu Gope, Upendra Gope and Rajauli Gope after making conspiracy armed with weapon at the door i.e., Iron rod,



Bhala at the door of Umesh Pandey. In the meantime, co-accused Lalan Gope asked to catch upon which, co-accused Awadhesh Pandey with intention to kill brutally assaulted him. While the people of family reached to rescue, they fled away. Thereafter, injured was referred to P.M.C.H. by the doctor of Khusrupur where he died in course of treatment.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. General and omnibus allegation of assault is alleged against the petitioners and other co-accused persons. Specific allegation is alleged against co-accused Lalan Gope and Awadhesh Pandey.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioners are named in the F.I.R. The petitioners have also participated in the alleged occurrence. The petitioners have got many criminal antecedents.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Khusrupur P.S. Case No. 187 of 2018, pending in the court of learned A.C.J.M.-VI, Patna City.



Anyhow, if the petitioners surrender and pray for regular bail in the learned court below, the same shall be considered on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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