

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2027 of 2018

Arising Out of PS. Case No.-52 Year-2007 Thana- SHIVSAGAR District- Rohtas

-
1. Sachida Pandey @ Sachidanand Pandey, Son of Late Subhag Pandey
2. Vijay Pandey, Son of Sachida Pandey @ Sachidanand Pandey
Both are resident of Village-Badua, P.S. -Sheo Sagar, District-Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

The prosecution case as per the fardbeyan of one Nathuni Paswan, recorded by Basant Baitha Sub-Inspector of Police, Sasaram Town Police Station dated 20.04.2017 at 3.00 PM at Sadar Hospital Sasaram is to the effect that there was a land dispute between the informant and the accused persons namely Jitan Paswan and petitioner no.1, Sachida Pandey for which title suit is going on. It is further alleged that accused persons pressurizing the informant for compromise when the informant



declined to compromise, then they closed the passage being used by the informant's side. On this point, an altercation took place and the FIR named accused persons assaulted the informant's father namely Ganesh Paswan, who succumbed to the injuries in hospital. Though the petitioners were named in the FIR, but on conclusion of investigation, they were not sent up for trial, the final form was submitted and trial proceeded with regard to the charge-sheeted accused persons, but during the trial, the petitioners have been summoned in exercise of jurisdiction under Section 319 of the Cr. P.C. on the basis of evidence of PW-1 Dhanbarti Kuer and PW-2 Prabhawati Devi. It is further submitted that learned Sessions Judge mechanically rejected the prayer for bail of the petitioners as the evidence of Pws-1 and 2 which persuaded the learned Court below to exercise its jurisdiction conferred under Section 319 of the Code of Criminal Procedure has not been discussed. The petitioners are ready to appear before the learned Court below on each and every date. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that the petitioners have been summoned on the basis of



evidence come during trial of the co-accused.

Considering the fact that the petitioners were named in the FIR, but were ultimately not sent up for trial on conclusion of investigation and the learned Sessions Judge has not deliberated the evidence which persuaded the learned trial Court to summon the petitioners in exercise of jurisdiction conferred under Section 319 of the Cr. P.C. coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ-IV, Rohtas at Sasaram in connection with Sheo Sagar P.S. Case No. 52 of 2007, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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

