

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50307 of 2018

Arising Out of PS. Case No.-387 Year-2017 Thana- GAYA MUFASIL District- Gaya

Awadhesh Pandey @ Awdhesh Kumar, age about 48 years, Son of Sri Nawal Kishor Pandey, Resident of Mohalla- Trideo Nagar, P.O.- Buniyadiganj, P.S. Mofassil (Gaya), Distt. Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Sri Ajay Kumar-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Gaya Mufassil P.S. Case No. 387 of 2017 registered under Section 302/34 of the Indian Penal Code.

The accusation is that seven persons named in the F.I.R. including the petitioner came at the house of informant and started to hot talk with his father, Niranjana Kumar @ Niranjana Pandey. They asked his father to get the amount paid by Vishwamitra India Parivar otherwise they will be killed. Thereafter, father of the informant replied that you all are also the Officers of Vishwamitra India Parivar and the matter is pending in the court. In the meantime, co-accused, Chandra Bhushan Pandey, pressed the neck of his father by folding Maflar, who became unconscious. Thereafter, his father was rushed



to the hospital, where he was declared dead.

Learned counsel for the petitioner submits that while petitioner is named in the F.I.R. along with six others but no specific overt act has been attributed against him rather the specific allegation is against co-accused, Chandra Bhushan Pandey, to press the neck of father of informant. It is further submitted that similarly situated co-accused, Chunchun Kumar, has already been granted privilege of pre-arrest bail by a Bench of this Court vide order dated 24.08.2018 passed in Criminal Misc. No. 47247 of 2018.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, in connection with Gaya Mufassil P.S. Case No. 387 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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