

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39219 of 2018

Arising Out of PS. Case No.-77 Year-2016 Thana- CHARPOKHARI District- Bhojpur

Manish Pandey S/o Bajrangi Pandey, R/o Vill.- Bhairodih, P.S.- Char Pokhari,
District- Bhojpur at Ara (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 31-08-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner seeks bail in **Sessions Trial No. 194 of 2017 arising out of Charpokhari P.S. Case No. 77 of 2016** registered for the offence punishable under Sections 147, 148, 149, 341, 323, 302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

Informant who is son of the deceased has alleged that on 24.03.2016 at about 5:00 pm on the occasion of Holi when he along with his father Sudarshan Pandey was returning to home then at about 6:00 pm in the evening Ranjan Pandey, Guddu Pandey, Manish Pandey, Bajrangi Pandey, Upendra Pandey and Sumendra Pandey variously armed started abusing his father and when his father objected then Bajrangi Pandey



ordered to kill him and caught hold his hands thereafter Ranjan Pandey fired from his rifle which hit his armpit and Manish Pandey fired from his country made pistol on the back of his father and Upendra Pandey fired from his rifle on the head of his father, on account of which his father fell down and died. Surendra Pandey also indiscriminately fired from his country made pistol.

In the post mortem report there are two fire arm injuries on the person of the deceased. One at the armpit, one at the back and the injury on the head which has been proved to be fatal and caused death of the father of the informant. It has come in the case diary that the deceased has got criminal antecedent and was involved in many criminal cases which were pending.

It has been submitted on behalf of the petitioner that he has got no criminal antecedent and the cause of death is injury on the head which is not attributable to the petitioner. Petitioner is in custody since 08.09.2016. Petitioner had moved earlier for grant of bail vide Annexure-1, 2 and 3 and in Criminal Miscellaneous No. 33013 of 2017 was rejected by order dated 16.08.2017 with liberty to renew his prayer for bail if trial is not concluded within six months and, thereafter, his prayer for bail was rejected in Criminal Miscellaneous No. 6312



of 2018 by order dated 21.02.2018 with liberty to renew prayer for bail after four months.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **IIIrd Additional Sessions Judge, Bhojpur at Ara** , in connection with **Sessions Trial No. 194 of 2017 arising out of Charpokhari P.S. Case No. 77 of 2016.**

(S. Kumar, J)

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