

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3403 of 2018

Arising Out of PS.Case No. -173 Year- 2017 Thana -OBRA District- AURANGABAD

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Nitesh Kumar Pandey, Son of Arun Pandey, Resident of Village-Pokatha,
Police Station-Obra, District-Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Obra P.S. Case No.173 of 2017 registered under Sections 337, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that both informant and the accused are own gotiyas and they are having some civil disputes over harvesting of crops. It is alleged that Arun Pandey (father of the petitioner) has indulged in abuse and brought a pistol and fired, but the said shot did not hit anybody. It is further alleged that on asking of said Arun Pandey his son Nitesh Kumar Pandey (petitioner) also came and fired from the pistol, but there is no allegation that the alleged firing hit anybody



and caused any injury. Learned counsel submits that Arun Pandey has already been granted regular bail by the court below. However, this petitioner is a student and he is presently preparing for some competitive examination which would be evident from Annexure-2. It is his submission that this petitioner being son of Arun Pandey has falsely been implicated in this case.

Learned counsel for the State is present.

Considering the facts and circumstances particularly that this petitioner is said to be a student, has no criminal history and that even though there are allegations of firing against this petitioner but there is no allegation that the said shot fired by this petitioner hit anybody causing any injury, in the event of his arrest/surrender before the court below within four weeks, let the above named petitioner be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Aurangabad in connection with Obra P.S. Case No.173 of 2017, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Arvind/-

(Rajeev Ranjan Prasad, J)

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