

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21366 of 2018

Arising Out of PS.Case No. -192 Year- 2017 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Tahlu Pandey, Son of Dau Pandey,
2. Radhe Shyam Pandey, Son of Late Gulab Pandey, Both resident of
Village- Khanav, P.S.- Bhabhua, District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 10-05-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are in custody since 23.11.2017 in
connection with Durgawati P.S. Case No. 192 of 2017 for the
offence registered under Sections 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

Learned Senior counsel for the petitioners submits that
the case of the petitioners is wholly motivated and is far from the
reality. It is further submitted that the story about the informant
being the witness is also far-fetched and in her subsequent
statement she has tried to fill-up the loopholes which were
apparent in the first information report and has further exaggerated



the story against the petitioners and other co-accused persons . It is further submitted that similarly situated co-accused person namely, Chandan Sah @ Chandan Jaiswal, who is named in the first information report with identical allegations, has since been released on bail vide order dated 10.01.2018 passed in Cr. Misc. No.10890 of 2018

Diary of the present case was called for which has since been received.

Learned counsel for the State, after perusal of the case diary, submits that the story as made out in the first information report has been further supplemented with details and one of the co-accused in his confessional statement made before the police has endorsed the story, as made out in the first information report and, therefore, it is not a fit case in which bail may be granted.

Having considered the entire facts and circumstances of the case and that similarly situated co-accused persons have also been granted bail by this Court, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 192 of 2017, subject to the following conditions :-



(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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