

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18318 of 2018**

Arising Out of PS.Case No. -95 Year- 2017 Thana -ANDER District- SIWAN

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1. Barmeshwar Pathak @ Barku @ Ladkan,  
2. Nandeshwar Pathak @ Guddu Pathak, Both sons of Birendra Pathak,  
Resident of Village- Utarwar Barwan, Police Station- Asaon, District-  
Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

|                      |   |                                                        |
|----------------------|---|--------------------------------------------------------|
| For the Petitioner/s | : | Mr. Sanjeev Ranjan, Adv.<br>Mr. Abhijit Gautam, Adv.   |
| For the State        | : | Mr. Kanhaiya Kishore, APP                              |
| For the Informant    | : | Mr. Ajay Kumar Pandey, Adv.<br>Miss Rinki Kumari, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      05-04-2018                      Heard learned counsel for the petitioners, learned  
counsel for the State and learned counsel for the informant.

The petitioners seek pre-arrest bail in connection  
with Andar P.S.Case No. 95 of 2017 registered under Sections 307  
and 34 of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted by the learned counsel for the  
petitioners that none of the family members except for the mother  
Sangeeta Devi and maternal grand mother Sudama Kumari, whose  
statements have been recorded in paras 9 and 10 of the case diary,  
have supported the case of the informant. Even the other family  
members of the informant have not supported the case of  
prosecution and on completion of investigation the police found  
the accusation made against the petitioners to be false and



frivolous and while submitting final report the police recommended for prosecution of the informant under Sections 182 and 211 of the Indian Penal Code.

On the other hand, learned counsel for the informant and learned counsel for the State have vehemently opposed the application for grant of pre-arrest bail of the petitioners. They submitted that the police made a tainted investigation and finding the statement of the mother and grand mother of the informant supporting the prosecution case, the learned Magistrate took cognizance of the offence.

Be that as it may, regard being had to the fact that statutory investigating agency found the allegations against the petitioners to be false, in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Siwan in connection with Andar P.S.Case No. 95 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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