

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1832 of 2019

Arising Out of P.S. Case No.-148 Year-2018 Thana- PHULPARAS District- Madhubani

Bhogi Lal Pandey aged about 45 years, son of late Kailu Pandey, resident of village-Mahathaur Khurd, Police Station-Phulparas, District-Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Respondent/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-01-2019 Learned counsel for the petitioner is permitted to make necessary correction in the prayer portion of the present application, as instead of 'Madhubani' it should be 'Jhanjharpur' which is permitted to be corrected.

Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner, who is languishing in judicial custody since 16.07.2018, in connection with Phulparas P.S. Case No. 148 of 2018, G.R. No. 971 of 2018 for the offence alleged under Sections 147, 148, 149, 341, 323, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while he was in the field and his brother was coming along with his wife in a motorcycle, 11 persons including the



petitioner, fired on him and his brother succumbed to the injuries. It has also been stated in the FIR by the informant that the injured brother before his death had revealed that co-accused Ranjeet Yadav had shot him.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, there is no criminal antecedent, he is a man of 80 years and the postmortem report also suggests only one injury which is not attributed to the petitioner. He further submits that no injury has been caused by the petitioner and he is languishing in judicial custody since last six months.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Phulparas P.S.Case No.148 of 2018 to the satisfaction of ACJM-II, Jhanjharpur, District-Madhubani subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file



an affidavit stating their relationship with the petitioners.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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