

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12596 of 2019

Arising Out of PS. Case No.-379 Year-2017 Thana- BIHIA District- Bhojpur

AVINASH PANDEY @ ABINASH PANDEY, Son of Bharat Pandey.
Resident of Village- Paharpur, P.S.- Bihiya, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Jee Mishra
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 08-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 324, 307, 386, 120B, 302 of the Indian Penal Code and Section 27 of the Arms Act.

On 23.11.2017, *Fardbeyan* of *Asha Devi* was recorded in Paras Hospital, Patna, where treatment of her injured husband was going on. In the statement, informant stated that on 21.11.2017, brother of the informant *Satish Chandra Ojha* informed that *Satya Narayan Pandey*, husband of the informant had sustained firearm injury at his shop and he has been taken to Sadar Hospital, Ara. The informant suspected that the F.I.R. named persons, including the petitioner had



committed firearm injury due to the fact that deceased had refused to sale articles to the petitioner without payment five days ago. *Satish Chandra Ojha* stated before the Police that he heard the sound of firing and saw that the F.I.R. named accused persons were fleeing along with their firearm. After one month of the occurrence, son of the deceased stated before the Police that he had seen the occurrence and the petitioner had caused firearm injury, which resulted in death of the deceased.

Submission is that apparently, there is improvement of prosecution case, as the investigation progressed. If the son of the deceased had seen the occurrence, there is no reason to not disclose that fact in the F.I.R.

Learned counsel for the informant opposed the prayer for bail.

Petitioner is in custody since 02.09.2018. Investigation of the case is already complete.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bihiya (Bahoranpur) Police Station Case No.379 of 2017, subject to



condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below and the petitioner shall fully co-operate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

abhishek/-

U		T	
---	--	---	--

