

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13142 of 2019

Arising Out of PS. Case No.-340 Year-2018 Thana- BARAULI District- Gopalganj

1. Rajnish Pandey, aged 28 Years (Male), Son of Anil Pandey, Resident of Village - Batardeh, P.S. Barauli, District – Gopalganj.
2. Dilip Pandey, aged 34 Years (Male), Son of Anil Pandey, Resident of Village - Batardeh, P.S. Barauli, District – Gopalganj.
3. Mannu Pandey, aged 30 Years, Son of Narayan Pandey, Resident of Village - Batardeh, P.S. Barauli, District – Gopalganj.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Naresh Chandra Verma, Advocate.
For the State	:	Mr. Bharat Bhushan (App)156.
For the Informant	:	M/S. Binay Kumar Singh, Kumar Rajeev and Remy Kumari, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 307/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on the alleged date and time of occurrence, the son of informant Chanchal Bhagat was coming back to his home from Barauli Bazar by Motorcycle and overtaken him by Motorcycle and petitioner no. 3 Mannu Pandey gave order to shoot him whereupon petitioner no. 1 Rajnish Pandey opened fire from his Katta which hit in his



back and his son fell down from the Motorcycle raising alarm. Witnesses present there also raised alarm and brought him to P.H.C. Barauli and finally he was referred to Gorakhpur for better treatment.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. As per F.I.R., the petitioner no. 1 Rajnish Pandey is alleged to have fired upon the victim. As far as petitioner nos. 2 and 3 Dilip Pandey and Mannu Pandey are concerned, there is no allegation of assault against them.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioners are named in the F.I.R. Petitioner no. 1 Rajnish Pandey is alleged to have fired upon the victim causing injury on the vital part of the body.

Considering the allegation alleged against petitioner no. 1 Rajnish Pandey, I am not inclined to grant anticipatory bail to him. The same is rejected in connection with Barauli P.S. Case No. 340 of 2018, pending in the court of learned A.C.J.M.-XIV, Gopalganj. Anyhow, if the petitioner no. 1 Rajnish Pandey surrenders in the court below and prays for regular bail, the



same shall be considered and disposed of on own merit without being prejudiced by this order of the Court.

As far as petitioner nos. 2 and 3 Dilip Pandey and Mannu Pandey are concerned, Let both of them (except petitioner no. 1 Rajnish Pandey) be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIV, Gopalganj, in connection with Barauli P.S. Case No. 340 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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