

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29920 of 2019

Arising Out of PS. Case No.-391 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Sandeep Pandey Son of Narwadeshwar Pandey, Age 29 years (M) Resident
of Village-Sahebachak, Police Station-Mirganj, District-Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Kumar Singh, Advocate
For the Opposite Party : Mr.Rajendra Pd. Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 01-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 395 and 397 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Siwan Mufassil P.S. Case No. 391 of 2018.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute between the petitioner and co-accused Prakash Pandey on whose confessional statement, petitioner's name has surfaced except which there is no objective material to connect him with the alleged occurrence. Prior to the present case, a land encroachment case has been filed by the petitioner's side against the family members of co-accused Prakash Pandey. The grand-father of the petitioner has also filed an informatory petition no. 420 of 2015 under Section 39 of the Cr.P.C. expressing apprehension of false implication by the informant's side. The petitioner claims clean antecedents.

4. Learned APP for the State has not pointed out any specific material against the petitioner in the case diary.



5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Mufassil P.S. Case No. 391 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate 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.

(Vikash Jain, J)

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