

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32424 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- BAGENGOLA District- Buxar

RAJENDRA PANDEY, aged about 50 years (Male), Son of Chandrama Pandey, Resident of Village - Pakarahi, P.S.- Bagengola, District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vindhyakeshari Kumar, Sr. Advocate and Arun Kumar Pandey, Advocate.
For the State	:	Mr.Sanjay Kumar, A.P.P.
For the Informant	:	M/S. Kamal Deo Sharma and Tushar Keshav, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 20-09-2019 Heard learned senior counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 147, 148, 149, 341, 307, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 11.07.2018 at about 6.00 P.M., the informant Mukesh Pandey was placing Cow then he heard sound of hulla and went at the door then saw that Rajendra Pandey (petitioner) has opened fired with Rifle upon his father namely, Yogendra Pandey. On the instigation of Chandrama Pandey, other co-accused persons named in the



F.I.R. have assaulted the informant. Sonu Pandey has opened fire with Rifle upon the informant but he saved and Co-accused Ajay Pandey assaulted with Lathi to the informant. When his younger brother came to save him co-accused Durgesh Pandey @ Suman Pandey caused injury upon his younger brother by means of Lathi. Co-accused Sushila Devi wife of the petitioner has also instituted to kill informant's side and co-accused Vijay Pandey has opened fire with construed Rifle.

It has been submitted by learned senior counsel for the petitioner that the petitioner is languishing in custody since 07.09.2018. Charge sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case due to previous enmity. There is no allegation of tampering with the witnesses alleged against the petitioner. The informant has reached at the place of occurrence only after the gun shot injury.

On behalf of learned counsels for the State and informant, it is submitted that the petitioner is named in the F.I.R. The informant is an eye witness to the alleged occurrence. There is single gun shot injury made by the petitioner. The postmortem report also corroborates the allegation made in the F.I.R.



Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 311 of 2018, arising out of Bagengola P.S. Case No. 46 of 2018, pending in the court of learned Sessions Judge, Buxar.

The court below is directed to take all necessary steps to conclude the trial within a period of nine months from the date of receipt/production of copy of this order.

The District Magistrate, Buxar and the Superintendent of Police, Buxar are directed to ensure that the prosecution witnesses are produced on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Buxar and the Superintendent of Police, Buxar.

(Sudhir Singh, J)

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