

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34402 of 2019

Arising Out of PS. Case No.-453 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Jairam Pandey @ Jayram Pandey Son of Late Kedar Pandey Resident of Village - Biraj Bigha, P.S.- Amba, Dist.- Aurangabad.
 2. Vijay Pandey Son of Late Mathura Pandey Resident of Village - Biraj Bigha, P.S.- Amba, Dist.- Aurangabad.
 3. Anil Pandey Son of Late Mathura Pandey Resident of Village - Biraj Bigha, P.S.- Amba, Dist.- Aurangabad.
 4. Arun Pandey Son of Purushottum Pandey Resident of Village - Biraj Bigha, P.S.- Amba, Dist.- Aurangabad.
 5. Vicky Pandey @ Vicky Pandey Son of Vijay Pandey Resident of Village - Biraj Bigha, P.S.- Amba, Dist.- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Brahmraj Pandey S/o Late Ramratan Pandey R/o Village-Biraj Bigha, P.S.- Amba, District-Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 27-05-2019 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners have filed the instant application for anticipatory bail apprehending their arrest in connection with Complaint Case No. 453 of 2017 registered for the offences under Sections 341,149,302 of the Indian Penal Code and ¾ of the Explosive Substance Act.

It is submitted on behalf of the petitioners that an occurrence had taken place wherein the deceased of the present



case namely, Anuj Pandey was made an FIR accused in Amba P.S. Case No. 55 of 2015 registered for the offences under Sections 307 of the Indian Penal Code and 3/4 of Explosive Substance Act. As a result of bomb explosion leading to the said FIR (Amba P.S. Case No. 55 of 2015), the accused of that case namely, Anuj Pandey sustained injury and subsequently died. It is further submitted that for the death of Anuj Pandey, Complaint Case no. 742 of 2015 was filed in the Court of Chief Judicial Magistrate, Aurangabad which was subsequently registered as Amba P.S. Case No. 9 of 2016 for the offences under Sections 302,341 and 149 of the Indian Penal Code and 3 & 4 of the Explosive Substance Act. In this case the five petitioners herein were named accused. After investigation the police found the allegations made in the FIR to be false and submitted final report on 31.03.2016, a copy of which has been brought on record as Annexure 4 to this application and in the said report it was recommended that steps be taken under Sections 182 and 211 of the Indian Penal Code against the informant. It is submitted that much after filing of the final report on 31.03.2016 in the said FIR i.e. Amba P.S. Case No. 9 of 2016, it was on 07.03.2017 that a protest petition was filed by the informant of Amba P.S. Case No. 9 of 2016 and the same



was registered as Complaint Case no. 453 of 2017 in which the petitioners apprehend their arrest and have moved this Court for grant of anticipatory bail.

The learned APP appearing for the State opposes the application for anticipatory bail.

Having heard the learned counsel for the petitioners and the learned APP for the State, in view of the facts and circumstances stated herein above, I am inclined to enlarge the petitioners on bail. Let the petitioners namely, (1) Jairam Pandey @ Jayram Pandey (2)Vijay Pandey (3)Anil Pandey (4) Arun Pandey (5)Vicky Pandey @ Vicky Pandey surrender in the Court below within six weeks from today. In case of their arrest or surrender, the petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Complaint Case No. 453 of 2017 subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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