

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53304 of 2018

Arising Out of PS. Case No.-124 Year-2018 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. Jitendra Pandey and Ors
 2. Satendra Pandey @ Sudama,
 3. Shiv Shankar Pandey @ Shiv Ji Pandey @ Shiv
 4. Rajeshwar Pandey @ Godhan Pandey, All Sons of Baidyanath Pandey, R/o Vill.- Banauli, P.S.- Karamchat, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar Sinha
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

11 22-07-2019 Heard the parties.

Petitioners seek pre-arrest bail in connection with Bhagwanpur (Beloan) P.S. Case No. 124 of 2018 registered for the offences under Section 302/34 of the Indian Penal Code.

Accusation is that in the morning of 14.07.2018 informant, Prabhawati Devi, along with her husband ,Rama Kant Chaubey, was returning from flour mill to her house. In the way petitioners under pre planned seeing the informant and her husband who were on Bolero Jeep ran over her husband then her husband fell down. Thereafter, petitioner nos. 1, 2 and 3 got down from Bolero Jeep and caught hold of Rama Kant Chaubey,



husband of the informant, petitioner no. 3 who was driving the Bolero vehicle ran over the Bolero car twice thrice over the husband of the informant who died on the spot.

Learned counsel appearing on behalf of the petitioners submits that admittedly petitioners and the informant are co-villagers and four petitioners are own brother and the Jeep was driven by petitioner no. 4, namely, Rajeshwar Pandey @ Godhan Pandey. In fact, in course of driving of the Bolero vehicle by petitioner no. 4 Rama Kant Chaubey husband of the informant sustained injury but with an ulterior motive petitioners no. 1, 2 and 3 who are own brothers of the petitioner no. 4, have been implicated in this case with allegation that they were present in the Bolero. When the Bolero dashed the husband of the informant and thereafter petitioners no.1, 2 and 3 got down from the Bolero and caught hold the husband of the informant then petitioner no.4 ran over the vehicle thrice over the husband of the informant in which he sustained injury and died. But witnesses in paragraph 154 to 160 have stated that at the time of occurrence only petitioner no. 4, namely, Rajeshwar Pandey alias Godhan Pandey was plying the Bolero vehicle.

On the other hand learned counsel for the informant submits that, in fact, due to enmity the husband of the informant



was knowingly ran over through the Bolero Jeep on which petitioner were sitting, as there was land dispute in between the informant and the petitioners.

Having regard to the facts and circumstances of the case, let the petitioners no. 1, 2, and 3, above named, in the event of their arrest or surrender before the court below within six weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount is to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Bhagwanpur (Beloan) P.S. Case No. 124 of 2018 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The pre-arrest bail prayer of the petitioner no. 4 is rejected.

However, he is directed to surrender before the court below and pray for regular bail which will be considered by the learned court below on its own merit without being prejudiced by the order of this court.

Accordingly, the bail petition stands disposed of.

(Rajendra Kumar Mishra, J)

Aks/- Rahul

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