

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78771 of 2018

Arising Out of PS. Case No.-29 Year-2018 Thana- ARA RAIL P.S. District- Bhojpur

Avinash Pandey S/o Bharat Pandey R/o Village paharpur, P.S.-Behiya,
District-Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Jee Mishra

For the Opposite Party/s : Mr.Sri Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Ara Rail P.S. Case No. 29 of 2018 registered for the offence punishable under Sections 302/120B/34 of the Indian Penal Code and 27 of the Arms Act.

Informant is the widow of deceased, who in her written complaint has stated that her husband used to sell and purchase the land and Bottal Bind is his friend who works as a Shuttering labour, Aslam had called her husband and all three on the motorcycles of Bottal Bind went towards the railway station premises and thereafter she was informed that her husband and said Bottal Bind have been shot and they succumbed to their injuries while in Sadar Hospital, Ara.



It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case without any incriminating material found against him. The finding of the Sessions Judge that his name has surfaced in this case on the basis of confessional statement of co-accused is an error of record and in the entire case diary there is no evidence against petitioner on basis of which he could be implicated in this case. Learned counsel for the State has not denied the said statement made by petitioner. Petitioner is in custody since 02.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Rail P.S. Case No. 29 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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