

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1761 of 2020**

Arising Out of PS. Case No.-105 Year-2019 Thana- SANGRAMPUR District- East
Champaran

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PAWAN KUMAR @ PAWAN PANDEY Son of Bira Pandey Resident of
Village - Sangrampur Nmatgutam, P.S.- Mathiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the State : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-08-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 341, 323, 325, 504, 506, 34 of the
Indian Penal Code.

Prosecution case, in short, is that co-accused Sawan
Pandey took away informant’s son Munna Chaubey from her
house and in the night her son Munna Choubey slept there at
about 3:35 AM in the morning, the accused came at her house



calling “Chor Chor”. She went to the house of accused persons and asked her son about theft of money. Her son replied in negative and thereafter, she returned her house. Thereafter the accused persons started marpit with her son and thereafter, the accused persons inserted chilli powder and lathi into the anus of her son, as a result of which, her son discharged stool on the door of Sawan Pandey.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. No specific overt act is alleged against the petitioner. The medical report does not support the allegation, made in the FIR. The matter has already been compromised between the parties. Counsel appearing for the informant, does not controvert the aforesaid fact.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of eighty weeks from today, be released on



anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 105 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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