

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6446 of 2020**

Arising Out of PS. Case No.-206 Year-2007 Thana- DINARA District- Rohtas

=====

Hridya Narayan Pandey @ Hridya Pandey @ Hridya Nand Pandey, aged about 82 Years (Male) Son of Late Lalan Pandey, Resident of Village - Dahigna, P.S.- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

|                      |   |                                                      |
|----------------------|---|------------------------------------------------------|
| For the Petitioner/s | : | Mr. Majoj Kumar and<br>Mr. Anil Kumar Roy, Advocates |
| For the State        | : | Mr. Md. Matloob Rab, APP                             |

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN  
AMANULLAH**

**ORAL JUDGMENT**

**Date : 02-03-2020**

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

2. The petitioner apprehends arrest in connection with  
Dinara PS Case No. 206 of 2007 dated 18.12.2007 institute under  
Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

3. Earlier, after institution of the case, the petitioner has  
been granted anticipatory bail by a co-ordinate Bench on  
22.07.2008 in Cr. Misc. No. 25810 of 2008. Thereafter, the Court  
had summoned him exercising power under Section 319 of the  
Code of Criminal Procedure, 1973, despite the police having  
submitted final form and do not sending him for trial.



4. Learned counsel for the petitioner submitted that the petitioner, besides being old, was not present on the date of occurrence, as prior to that he was under treatment for paralysis in hospital, which was noticed by the Court earlier while granting him anticipatory bail on 22.07.2008. Learned counsel submitted that during investigation, the police having submitted final form and not sending up the petitioner for trial itself indicates that he has been falsely implicated and further that he is about 82 years old. It was further contended that the petitioner has no other criminal antecedent.

5. Learned APP submitted that from the FIR of the year 2007, it transpires that the petitioner was aged 50 years and, thus, today he would be about 63 years.

6. Learned counsel for the petitioner submitted that the age of the petitioner is 82 years, which can be verified and is also obvious from the age of the deponent of the affidavit, who is the son, being 48 years.

7. However, with regard to the petitioner having earlier been granted anticipatory bail and the police also not sending him up for trial, learned APP could not controvert the same.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the



event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, IIIrd, Rohtas at Sasaram in Dinara PS Case No. 206 of 2007, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. One of the bailors shall be a close relative of the petitioner.

9. The application stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

|          |  |
|----------|--|
| AFR/NAFR |  |
| U        |  |
| T        |  |

