

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20740 of 2020

Arising Out of PS. Case No.-136 Year-2019 Thana- VIJAYEPUR District- Gopalganj

Manmohan Pandey S/o Mani Pandey Resident of Village-Ghat Bandhaura,
P.S.-Vijaipur, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad
For the Opposite Party/s : Mrs.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the physical court proceeding is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 341, 307,



302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the written report of Adalat Yadav submitted to the Station House Officer, Vijaipur Police Station, is to the effect that on 03.09.2019 at 8.00 A.M., the son of the informant, Dhannu Yadav, aged 16 years, was going to Vijaipur but, on the way, it is alleged that the petitioner and his brother, Pawan Pandey intercepted him. The petitioner caught hold of the son of the informant when his brother, Pawan Pandey shot him on the neck. Subsequently, the son of the informant succumbed to the injury.

It is submitted by learned counsel for the petitioner that due to the enmity, the petitioner has been roped in the present case. The accusation of firing has been levelled against the brother of the petitioner, Pawan Pandey and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation that he caught hold of the son of the informant when his brother fired.

Considering the nature of accusation in which the petitioner facilitated killing of the son of the informant, though,



the main assailant is co-accused Pawan Pandey, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of eight weeks from today in connection with Bijaipur P.S. Case No. 136 of 2019, pending in the Court of learned A.C.J.M.-IV, Gopalganj.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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