

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1287 of 2020**

Arising Out of PS. Case No.-715 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)

MANOJ PANDEY @ HANUMAN PANDEY S/o Badri Narayan Pandey R/o
village- Gimhiya (Kashathari), P.S.- Durgawati, District- Kaimur (Bhabua)

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashutosh Tripathy, Adv.
For the Respondent/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

4 21-12-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State, through video
conferencing.

The instant appeal has been filed by the appellant against the order dated 2.3.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabhua, whereby the prayer for bail of the appellant in connection with Mohaniya P.S. Case No. 715 of 2018 registered under sections 302, 307, 324, 326 and 34 of the Indian Penal Code and section 27 of the Arms Act to which section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act was added, was rejected.

As per allegation in the FIR, it is stated by the informant that he along with Vikash Yadav and others proceeded



to settle the dispute. It is stated that Dipu Pandey along with 9-10 persons variously armed, who were waiting, started indiscriminate firing resulting in gun shot injuries to the informant and Vikash Yadav.

It is submitted by learned counsel for the appellant that the appellant is not named in the FIR and his name transpired in course of investigation on the confessional statement of co-accused Rakesh Pandey. There is no other material against him. It is further submitted that the aforesaid Rakesh Pandey has been enlarged on bail vide order dated 3.2.2020 (Annexure-2) passed in Cr. Appeal (SJ) No. 5230 of 2019. The appellant is in custody since 12.2.2020 and investigation in the case has concluded.

The appeal is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the period in custody together with grant of bail to the co-accused Rakesh Pandey, the Court is inclined to allow this appeal. The appeal is allowed and the order dated 2.3.2020 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Mohaniya P.S. Case No. 715 of 2018 on



furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabhua.

(Partha Sarthy, J)

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