

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20021 of 2020**

Arising Out of PS. Case No.-389 Year-2019 Thana- LALGANJ District-
Vaishali

=====

Uday Pandey, son of Sri Arvind Pandey, Resident of Village - Lakhan Sarai,
P.S.- Lalganj, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ajay Kr. Thakur, Advocate
For the State : Mr. J.K. Singh, APP
For the Informant : Ms. Rina Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 14-10-2020

Heard learned counsel for the petitioner and learned APP for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof. Learned counsel for the State states that he has no objection in this regard and the matter be taken up on merits in view of the stated urgency.

2. The petitioner is in custody since 12.11.2019 in connection with Lalganj P.S. Case No. 389 of 2019 for the offences alleged under Sections 341, 323, 307, 302, 504, 506, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated in connection with alleged murder of Ujjawal Kumar



Pandey, elder brother of the informant. It is submitted that as a matter of fact it was the prosecution side which had fired first, causing injury on the thigh of the petitioner and for which Lalganj P.S. Case No. 394 of 2019 was instituted on 09.11.2019 after recording the fardbeyan of the petitioner in the hospital on the date of occurrence, namely 07.11.2019. It is therefore submitted that the petitioner had acted in self defence.

4. Learned APP assisted by learned counsel for the informant appear and have been heard. It is submitted that there is direct allegation of firing attributed to the petitioner causing injury resulting in death of the deceased. The petitioner is accused in two prior cases as stated in para-3 of the petition.

5. Having regard to the nature of accusations and the gravity of the offence alleged, this Court is not inclined to grant privilege of bail to the petitioner. The petition stands dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Ibrar//-

U		T	
---	--	---	--

