

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22233 of 2020

Arising Out of PS. Case No.-174 Year-2019 Thana- HULASGANJ District- Jehanabad

ADITYA PANDEY @ PRABHAKAR KUMAR Son of Mithilesh pandey @
Purnendu Pandey, Resident of Village - Kandaul, P.S.- Hulasganj in the distt.
of Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 01-12-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Hulasganj P.S. Case No. 174 of 2019, disclosing offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is in custody since 14.12.2019. The FIR refers to an occurrence of 02.12.2019, when allegedly certain dispute had arisen for payment after having had breakfast in the food-joint belonging of the deceased. The dispute was of petty nature. Allegedly, that dispute led to resorting to firing with a pistol by co-accused Dhiraj Kumar, whereafter the victim died. The informant is brother of the deceased, who was admittedly not present at the place of



occurrence, though in the FIR he has described the manner of occurrence.

Learned counsel appearing on behalf of the petitioner has argued that the petitioner's name has been incorporated subsequently, as can be seen from the FIR itself. He has further argued that though there is direct allegation against co-accused Dhiraj Kumar of having shot at the deceased, there is no specific allegation against the petitioner.

On perusal of the FIR, I find substance in submission made on behalf of the petitioner.

Considering the above and the period of petitioner's custody, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jehanabad, in Hulasganj P.S. Case No. 174 of 2019.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

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