

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24231 of 2020

Arising Out of PS. Case No.-110 Year-2020 Thana- SHIVSAGAR District- Rohtas

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1. Dhiraj Panday @ Amarkant Panday Son of Krishna Kant Panday Resident of Village - Konar, P.S.- Shivsagar, District – Rohtas.
 2. Ishwar Panday @ Bishwanand Panday Son of Sudama Panday Resident of Village - Konar, P.S.- Shivsagar, District - Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.N. K Agrawal, Senior Advocate and
Mr. Raghunandan Kumar Singh, Advocate

For the Opposite Party : S. Saama, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-09-2020 Heard learned counsel for the petitioners and learned Addl Public Prosecutor appearing for the state through Video Conferencing.

Petitioners seek bail in a case registered for the offence punishable under sections 147, 148, 149, 323, 324, 325, 153A, 295 and 307 of the Indian Penal Code and section 27 of the Arms Act.

Prosecution's case is that the petitioner and two other co-accused persons caused fire arm injuries on the neck of Saif Ali and leg of the informant and two other persons.

Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. The dispute arose on a trivial issue. There is a case and counter case in which both sides sustained injuries. Petitioner no.1 has lodged Shivsagar Police Station Case No. 111 of 2020 under sections 147,148,149,323,324,153A,295/307 of the Indian Penal Code and section 27 of the Arms Act. There is general and omnibus allegation against the petitioners. It is also the case of the petitioners that the victims Rafique Alam, Jiyaul Haque and Saif Ali suffered simple injuries (Annexure 2 series) on non-vital parts of the body, though opinion was kept reserved. On the other hand, accused persons, namely, Sudama Pandey, Govind Pandey and Ishwar Pandey (petitioner no.3) also suffered injuries (Annexure 3 series) simple in nature. Petitioners have got no criminal antecedent and they are in custody since 25.4.2020.

In the facts of the case, prayer for bail of the petitioners is allowed. Let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Rohtas at Sasaram in Shivsagar Police Station Case No. 110 of 2020, on the following conditions:-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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