

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24137 of 2020

Arising Out of PS. Case No.-292 Year-2019 Thana- MAHARAJGANJ District- Siwan

1. Ramendra Kumar Pandey @ Nandu Singh, aged about 27 years, Male
2. Krishnendu Pandey @ Chhotu Singh, aged about 26 years, Male, both sons of Late Harendra Pandey, both resident of Village- Jigrahawan, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prabhakar Nath Rai, Advocate
For the State	:	Mrs. Sangita Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-11-2020 Heard the parties through the virtual court proceeding.

The petitioners apprehend their arrest in connection with Maharajganj P.S. Case No. 292 of 2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in brief is that Arvind Yadav given his fardbeyan before Sub-Inspector Amit Verma on 05.11.2019 at 21:47 Hours (9.45 P.M.) in the premises of Sadar Hospital, Siwan.

It is stated by the informant that his brother Devendar Kumar Yadav having a Pan shop and a shop in the name of Shilpi Videography. On 05.11.2019 at 6.30 P.M., his brother Devendra Kumar Yadav was at shop, some unknown persons



came there and fired upon him and he injured with bullet, when he (informant) received information from local people he along with family members reached the place of occurrence where the occurrence taken place. He along with other persons took Devendra Kumar (deceased) to Sadar Hospital, Siwan, during course of treatment, he died.

Learned counsel for the petitioners submits that the petitioners have got no any criminal antecedent and the petitioners have falsely been implicated in the present case. He further submits that the petitioners have committed no offence as alleged in the F.I.R. Petitioners are students and they preparing Civil Services examination. He further submits that the prosecution witnesses named five persons including these petitioners on the basis of hearsay. The prosecution witnesses have not seen who has fired and merely on suspicion and hearsay their name came in the present case. He further submits that almost all witnesses have said he has come to know from spy about occurrence but spy has not been examined and interrogate in the case diary, moreover spy statement has no sanctity in law and it is not an evidence. He further submits that the C.C. T.V. Camera does not show the picture of the petitioners.



Learned counsel for the State vehemently opposed the bail application of the petitioner.

I have perused the record including the case diary. In paragraph-55 of the case diary, the pen drive has been recovered and showing the pen drive it is found at the place of occurrence. The petitioners along with other accused persons have been shown in the picture and other witnesses have also supported the prosecution case. In the postmortem report, there is three wound injuries in the body of the deceased.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioners abovenamed on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners in connection with Maharajganj P.S. Case No.292 of 2019 pending in the court of learned Chief Judicial Magistrate, Siwan is hereby rejected. However, the petitioners are directed to surrender before the court below and the learned court below shall pass the order on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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