

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23197 of 2020

Arising Out of PS. Case No.-346 Year-2019 Thana- HARSIDHI District- East Champaran

Satendra Pandey S/o Vashishta Pandey Resident of Village-Rampur
Khajuriya, P.S.-Dumariyaghat, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.A.P.P.

Mr.Prateek Tandan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-11-2020 Heard learned counsel for the petitioner, learned
A.P.P. for the State as well as learned counsel for the informant
through video conferencing.

The petitioner seeks bail in Harsidhi P.S. Case No.
346 of 2019, registered for the offence under Sections 307, 302,
120(B)/34 of the Indian Penal Code and Section 27 of the Arms
Act.

As per the prosecution case, on 12-10-2019 at about
8:00 AM, the son of the informant Shahid Hussain went to
Motihari in the company of co-accused Pintu Tiwari and
thereafter, at about 9:00 AM, the informant came to know that
his son has been killed by accused persons including petitioner
by causing firearm injury. Subsequently, the informant came to
know that his son was taken to Rahmania Hospital and when he
reached there, he found the dead body of his son. It is further



alleged that earlier also, six accused persons had made an attempt on the life of the informant, for which, Turkauliya (Raghunathpur) PS Case No. 438 of 2019 was registered.

It is submitted on behalf of petitioner that petitioner is not named in the FIR. It is further submitted that petitioner is also not named in the FIR, which was earlier lodged i.e. Turkauliya P.S. Case No. 438 of 2019. Name of the petitioner has been transpired by a spy, who has claimed to have seen the petitioner riding on a motorcycle with co-accused Sushil Tiwari in the CCTV footage near the place of occurrence. It is further submitted that there is no eye-witness to the occurrence. It is further submitted that some of the co-accused have already been granted bail by this Court, vide order dated 03-06-2020 passed in Cr.Misc. No. 12836 of 2020 (Naushad @ Laloo), order dated 05-06-2020 passed in Cr.Misc. No. 6453 of 2020 (Manjoor Alam) and order dated 05-06-2020 passed in Cr.Misc. No. 18247 of 2020 (Sheikh Afrad Ali @ Sheikh Afrad) (Annexure 3 series). The petitioner is in custody since 22-10-2019.

However, counsel for the informant has vehemently opposed the bail application and submitted that during course of investigation, name of petitioner has come on the basis of CCTV footage and petitioner has also criminal antecedent.



Learned counsel for the petitioner submits that petitioner is on bail in all three cases, which have been stated in paragraph – 3 of the petition.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed.

Let the above-named petitioner 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 346 of 2019 on the following conditions:

“(1) Petitioner shall cooperate 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 his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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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