

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25683 of 2020**

Arising Out of PS. Case No.-157 Year-2020 Thana- SHASTRINAGAR District- Patna

Ashutosh Kumar Pandey Son of Sri Ajay Pandey Resident of Village -
Jagatpur Mahuari, P.S. Basantpur, District – Siwan ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Uday Shankar Singh, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 29-09-2020 Heard learned counsel for the petitioner and the State through Video Conferencing.

The petitioner seeks bail in a case registered for the offence punishable under sections 302/120B of the Indian Penal Code and section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to ulterior motive. Specific allegation of firing during Holi Milan ceremony is against co-accused Kush Kumar Thakur causing injury to Kanhaiya Kumar who died on the way to the hospital. One Chandan Kumar also sustained fire arms injury. Petitioner is alleged to be conspirator who called the informant's side on the spot. No incriminating material has come against the petitioner during investigation to connect him with the offence. Petitioner has got no criminal antecedent and he is in custody since 11.3.2020. Charge sheet has also been filed in the case.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



Additional Chief Judicial Magistrate IV, Patna in Shastri Nagar Police Station Case No. 157 of 2020 on the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her 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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