

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29000 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- SIKARHATTA District- Bhojpur

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1. KAMTA PANDEY Son of Late Brij Mohan Pandey
 2. Salesh Kumar Pandey S/o Kamta Pandey
R/o Village-Sikrol, P.S.-Sikrahta, District-Bhojpur. At/P residing at Pune,
P.S.-Chatushrunji, Distt.-Pune.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-12-2020 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioner apprehend their arrest in connection
with Sikrahta P.S. Case No. 4/2020 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the prosecution case, on 01.02.2020 at about
10:30 in night when the informant was returning to his house
with his father, six persons came on two motorcycles and
petitioner No. 1 (Kamta Pandey) gave order to kill them upon
which petitioner No. 2 (Salesh Kumar Pandey) and one Deepak
opened fire resulting into the death of the father of the
informant.



It is submitted on behalf of the petitioners that petitioners have been falsely implicated in this case due to old enmity and, in fact, two sons of the petitioner No. 1 have been killed by the informant's side. It is further submitted that the petitioners were not present at the place of occurrence and there is no eye-witness to the occurrence.

However, learned counsel for the State opposed this bail application and submitted that petitioner No. 1 is the order giver whereas there is specific allegation against petitioner No. 2 that he has opened fire which hit the head of the father of the informant causing death.

Considering the aforesaid facts and circumstances, the bail petition of petitioner No. 1 (Kamta Pandey) is allowed whereas the prayer for anticipatory bail of petitioner No. 2 (Salesh Kumar Pandey) is rejected.

Accordingly, let the petitioner No. 1, above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-8, Bhojpur at Ara in connection with Sikrahta P.S. Case No. 4 of 2020, subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

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