

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80742 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- ISHIPUR District- Bhagalpur

Shivam Kumar Pandey @ Tiger @ Golu Son of Manoj Kumar Pandey @
Manoj Pandey Resident of Village - Srinagar, P.S.- Ishipur (Barahat), Distt -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-05-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under Section
302, 201, 120B, 34 of the Indian Penal Code and Section 25(1-
B)A, 26 & 27 of the Arms Act.

Allegedly, the accused persons took away the son of the
informant and next day, the dead body of the informant’s son
was recovered near Shiv Mandir.

It has been submitted on behalf of the petitioner that there



is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 08-03-2019. Charge sheet has already been submitted. The petitioner is not named in the FIR. As per FIR, except suspicion, there is no substantive evidence to suggest the implication of the petitioner in the present case. The informant is not an eye witness to the alleged occurrence. The informant was informed by one Gulshan Pandey that his son has been done to death by the petitioner and other accused persons. Gulshan Pandey is also not an eye witness to the occurrence.

On behalf of the State and the informant, it is submitted that the petitioner is not named in the Complaint Case/F.I.R. The petitioner made his confession before the police, which led to recovery of the arms and ammunition, used in course of the occurrence. Same is admissible piece of evidence. The said confession has been endorsed at paragraph-15 of the case diary. As per said confession, the petitioner is said to have fired upon the deceased. The petitioner has criminal antecedent. It is further informed that the trial is in progress. Four prosecution witnesses have already been examined.

Considering the aforesaid facts and circumstance, I am not inclined to grant bail to the petitioner. Accordingly,



prayer for bail of the petitioner in connection with Ishipur
(Barahat) P.S. Case No. 23 of 2019 is rejected.

The trial court is directed to take all necessary steps to
conclude the trial, preferably within a period of nine months
from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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