

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72988 of 2019

Arising Out of PS. Case No.-188 Year-2018 Thana- NOKHA District- Rohtas

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Kedar Pandey, aged about 48 years, Male, Son of Late Sudama Pandey, R/o
Village - Sumbha, P.S.- Agrer, Distt - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 24-06-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Vijay Anand, learned counsel for the
petitioner and Mr. Jharkhandi Upadhyay, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

3. The petitioner is in custody in connection with
Nokha P.S. Case No.188 of 2018 dated 10.07.2018 instituted
under Sections 302, 201/34 of the Indian Penal Code and 27 of
the Arms Act.

4. The allegation against the petitioner and others is
of killing the deceased by resorting to firing.

5. Learned counsel for the petitioner submitted that



the informant is the wife of the deceased and in the FIR she has stated that the petitioner, along with three others had shot him. However, it was submitted that in her re-statement to the police, she has stated that the petitioner and five others had shot him i.e., she has added the name of two other persons also as those, who had fired on the deceased. Learned counsel submitted that the version in the investigation, of the brother and sister of the deceased, who also claim to be eye witnesses, is that the petitioner and another person had thrown the deceased from the top of the *Mandir* and when he fell down, others, who had firearms, had shot him dead. Learned counsel submitted that two persons, who have been further named and alleged to have fired on the deceased in the restatement of the informant have been granted bail. Learned counsel submitted that though the petitioner has eight antecedents, but in five he has been acquitted and the rest three are under minor sections and in those cases he is on bail. It was submitted that the petitioner in the present case is in custody since 11.06.2019.

6. Learned APP, from the case diary, submitted that the informant has named the petitioner as one of the persons, who had actually fired on the deceased and body was also taken away by the culprits and still not recovered. However, he did not



controvert the fact that in her restatement to the police the informant has added the name of two more persons, who are said to have shot at the deceased. It was also not controverted that the brother and sister of the deceased have stated that the petitioner, along with another co-accused, had pushed the deceased from the top of the *Mandir* and that it is others, who are said to have fired on him.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the ACJM, Rohtas at Sasaram, in Nokha P.S. Case No.188 of 2018, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date.



Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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