

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82639 of 2019

Arising Out of PS. Case No.-71 Year-2014 Thana- GOVINDGANJ District- East Champaran

1. Shashi Bhushan Pandey Son of Late Vikrama Pandey
2. Amresh Pandey @ Amaresh Pandey Son of Late Narad Pandey
Both Residents of Village-Radhiya, P.S.-Govindganj, District-East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 364, 302, 120B/34 of the Indian Penal Code.

As per the fardbeyan of one Aklu Sah, recorded on 30.05.2014 at about 23.00 P.M. by A.S.I. Yogendra Prasad Singh at the door of the house of the deceased, it is alleged that both petitioners came at the door of the informant and asked about his brother driver Sah. It is alleged that when driver Sah came out from his courtyard and requested to return the loan amount of Rs.25,000/-, the petitioner Shashi Bhushan Pandey forcibly



took the brother of the informant and after some time hulla was heard that driver Sah is lying dead at the Balua Chauraha of village-Radhiya.

It is submitted by learned counsel for the petitioners that there is no eye witness of the actual occurrence. It is submitted that the after investigation the police submitted final form but they were not sent up for trial however, the learned Chief Judicial Magistrate differing with the police report has taken cognizance without applying his judicial mind. By way of referring the postmortem report, learned counsel for the petitioners submits that cause of death could not be ascertained by the doctor.

Learned Addl. Public Prosecutor has opposed the prayer for anticipatory bail and submits that the occurrence is based on circumstantial evidence.

Considering the accusation based on circumstantial, let the above named petitioners be released on bail, in the event of their arrest or surrender before the court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, East Champaran at Motihari in connection



with Govindganj P.S. Case No.71 of 2014, subject to conditions
as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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