

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83007 of 2019

Arising Out of PS. Case No.-107 Year-2019 Thana- MAJORGANJ District- Sitamarhi

CHHOTU PANDEY @ OMPRAKASH PANDEY (Male), aged about 36 years, S/o Murat Pandey, Resident of Village- Basbita, P.S.- Mejorganj, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Vijay Kr Singh No. 1, Advocate.
For the Opposite Party : Mr.Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 12-10-2020 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 A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 394, 302, 307/34 of the IPC, 27 of the Arms Act in which charge sheet has been submitted under Sections 396, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 27.06.2019 while the informant with his father proceeded to Sitamarhi by *Bus*, on the way, six miscreants boarded on three white colour



Apache Motorcycle, stopped the *Bus* and they entered the *Bus* and started snatching bags from the father of the informant which was objected to by the informant and his father. Thereafter, the miscreants opened fire upon the father of the informant from their pistol causing injury to the informant's father. Thereafter, the miscreants fled away after snatching bag containing cash Rs. 1,00,000/-, Pass Book etc., by Motorcycle.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 01.09.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. In course of investigation, his name has transpired in the present case merely on the basis of suspicion. The petitioner has not been put on T.I. Parade to ascertain his participation in the alleged occurrence. There is no recovery of any looted article from possession of the petitioner. Other co-accused has been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 76505 of 2019 under order dated 28.05.2020.

On behalf of the learned counsel for the State, it has



been submitted that the petitioner is not named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Ist, Sitamarhi, in connection with Majorganj P.S. Case No. 107 of 2019.

(Sudhir Singh, J)

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