

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16866 of 2021

Arising Out of PS. Case No.-304 Year-2020 Thana- CHANPATIA District- West Champaran

Ayush Pandey Son Of Pappu Pandey Resident Of Village- Khardeur Mahana,
Police Station- Chanpatiya, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7

For the Opposite Party/s : Mr. Tarun Pd. Mandal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Chanpatiya P.S.
Case No. 304 of 2020 registered for the offence punishable under
Sections 341, 323, 307, 385, 387, 504, 506, 34 of the Indian Penal
Code.

As per the prosecution case, allegation against the petitioner is
that he in association with two other co-accused persons assaulted
and threatened the informant due to non fulfillment of *rangadari*
(money) of Rs. 1 lakh demanded by them. All the three named
accused persons came to his clinic and *Kundan* put a towel in his



neck whereas *Samer* and *Ayush* assaulted him by bamboo causing injury on his left hand, chest, waist and back. *Ayush* Put a katta on the informant and gave threatening to kill.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that the alleged occurrence took place on 22.06.2020 and the F.I.R. was lodged on 01.07.2020. The said F.I.R was sent to the concerned court on 12.08.2020. Hence, there is a delay of seven days in filing of the F.I.R. and delay of one month in sending the F.I.R. to the concerned court. He further submits that after remanding the petitioner in the instant case, the police applied external force upon him and recorded his confessional statement which has no evidentiary value in the eye of law. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has three criminal antecedent as has been mentioned in para 3 of the present petition and has been languishing in custody since 15.10.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Chanpatiya Police Station Case No. 304 of 2020 subject to the following conditions:



(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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