

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38121 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- CHHAURADANO District- East
Champaran

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PAWAN KUMAR PANDEY @ PAWAN PANDEY @ PAWAN KUMAR Son
of Hari Shankar Pandey Resident of Village - Shripur Tola Belwadih, P.S.-
Chhauradano, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sangeet Deokuliar
For the State	:	Ms. Pushpa Sinha
For the Informant	:	Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and

learned counsel for informant who has appeared along with

learned APP for the State.

This Court would expect that the petitioner's
Counsel would honour his undertaking in the instant
proceedings regarding supply of requisite court fee etc. within
two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with
Chhauradano P.S. Case No. 137 of 2020 registered under
Sections 302 and 120B of the Indian Penal Code and Section 27
of the Arms Act.

Informant's son has been taken away by the



petitioner along with co-accused Chunchun Pandey for a meeting. Informant further alleges that he heard gun-shots from the meeting from where all the persons fled away and his son was found dead.

Learned petitioner's counsel submits that the FIR doesn't allege that the informant's son was forcibly taken away by the petitioner and Chunchun Pandey. Apparently there is pre-existing acquaintance of the informant's son with the petitioner and Chunchun Pandey. The informant has also not stated that he saw the petitioner fire upon his son. His implication is based only on suspicion. The co-accused Chunchun Pandey has been allowed bail in Cr. Misc. No. 63042/2021. The petitioner is on bail in Chhauradano P.S. Case No. 23 of 2020 pending against him since before. In this case he is in custody since 16.06.2020.

Learned APP and counsel for the informant have submitted that petitioner had taken away the informant's son and he was present at the place where he was shot.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named 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 learned S.D.J.M., Raxaul at Motihari, East Champaran in Chhauradano P.S. Case No. 137 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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