

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33373 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- PAWANA District- Bhojpur

=====

Jitendra Pandey @ Jitendra Kumar Pandey S/o Late Indradeo Pandey
Resident of Village- Dhobahan, P.S.- Pawna, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha
For the State	:	Mr. APP
For the Informant	:	

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-01-2021 Heard learned counsel for the petitioner, learned
Addl.P.P and learned counsel for the informant.

Petitioner seeks bail in Pawana P.S. Case no. 22 of
2020 registered under section 302/34 of the Indian Penal Code.

Informant Lakki Mishra, son of the deceased, alleged
that his father saw the petitioner and others planting trees in his
field and his father went to protest but all accused persons
assaulted his father. On alarm the informant also went there and
saw the petitioner and all other accused persons standing there.
The informant brought his father to hospital for treatment but
his father succumbed to his injury in Sadar hospital, Ara.

Learned counsel for the petitioner submits that the
informant only saw the petitioner and other accused persons



standing near his father who were lying on the ground. Informant had not seen any person assaulting his father. Informant did not name any person in the FIR who had seen the occurrence but after institution of the FIR, informant and other witnesses started improving the prosecution case. In fact, nobody has seen the occurrence. Informant's father died of asphyxia on account of compression of chest.

Similarly situated co-accused Surendra Pandey @ Surendra Kumar Pandey has already been granted bail in Cr. Misc. no. 23213 of 2020. The case of the petitioner stands on similar footing.

Learned Addl.P.P. as well as learned counsel for the informant vehemently opposed the prayer for bail and submitted that there is allegation against all the accused persons that they assaulted the father of the informant and he died. Post mortem report also supports the prosecution version.

It appears that the informant in his fardbeyan itself disclosed that when he arrived at the place of the occurrence, his father was lying on the ground and petitioner and other accused persons were standing there. Informant has not seen the occurrence and the informant did not disclose about the fact that any person who had seen the occurrence was present there and



similarly situated co-accused Surendra Pandey @ Surendra Kumar Pandey has already been granted bail by a coordinate bench of this court.

Considering the facts the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Miss. Suman Kumari, Judicial Magistrate, Ist Class, Bhojpur, Ara in Pawana P.S. Case no. 22 of 2020.

(Prabhat Kumar Jha, J)

s.hassan/-

U		T	
---	--	---	--

