

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3788 of 2021

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

1. NIRBHAY PANDEY @ NIRBHAY KUMAR PANDEY Son of Jitendra Pandey @ Jitendra Kumar Pandey Resident Of Village - Dhobahan, P. S. - Pawana, District - Bhojpur.
2. Niket Pandey @ Niket Kumar Pandey Son of Jitendra Pandey @ Jitendra Kumar Pandey Resident Of Village - Dhobahan, P. S. - Pawana, District - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-03-2021 Heard the learned counsel for the petitioners and the learned APP for the State, Ms. Anita Kumari Singh.

The petitioners seek regular bail in connection with Pawana P.S. Case No. 22 of 2020, registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that on 08.05.2020, in the morning, the father of the informant saw from his home that his co-villagers as also the accused persons were planting trees



in the land situated towards south of his house, whereafter he had gone there and raised objection, whereupon the accused persons started abusing the father of the informant and then, the co-accused person, namely, Chandan Pandey, had instigated the other accused persons to kill the father of the informant, whereupon the accused persons had started assaulting the father of the informant by means of lathi etc. resulting in the father of the informant sustaining injuries and his subsequent death, thereafter.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 13.08.2020. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioners are concerned, no specific overt act has been attributed to them. It is further submitted that



charge-sheet has already been filed and the investigation is complete, hence, no prejudice will be caused to the prosecution, in case bail is granted to the petitioners.

Per contra, the learned APP for the State, Ms. Anita Kumari Singh, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also those available in the case dairy, I find that minuscule evidence is available in the case dairy so as to connect the petitioners with the alleged occurrence and moreover, no specific allegation of any sort of overt act has been levelled against the petitioners, hence, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on



furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bhojpur Ara in connection with Pawana P.S. Case No. 22 of 2020.

(Mohit Kumar Shah, J)

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