

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39423 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- AGRER District- Rohtas

1. NANHAK PANDEY @ BRAJKESHWAR PANDEY S/o Hari Pandey R/o Village - Pipari, P.S. - Agrer, District - Rohtas
2. Rajesh Pandey S/o Late Ram Shringar Pandey R/o Village - Pauthu, P.S. - Jamhor, District - Aurangabad
3. Manglesh Pandey @ Manglesh Kumar Pandey S/o Late Ram Shringar Pandey R/o Village - Pauthu, P.S. - Jamhor, District - Aurangabad
4. Krishna Murari Mishra @ Mellu Mishra S/o Sri Satya Narayan Mishra R/o Village - Sisirit, P.S. - Nokha, District - Rohtas

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Vishwajeet Kumar Mishra, Advocate
For the informant	:	Mr. Bikalp Sinha, Advocate
For the Opposite Party/s	:	Mr. A.M.P. Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 23.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard Sri Vishwajeet Kumar Mishra, learned counsel for the petitioners, Sri A.M.P. Mehta, learned A.P.P. for the State and Sri Bikalp Sinha, learned counsel appearing for the informant through video conferencing.

The petitioners apprehend their arrest in connection with Agrer P.S. Case no. 39 of 2020, registered



under Sections 147, 148, 149, 307, 323, 341, 354, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that on 27.07.2020, informant Veena Devi, wife of Narendra Singh, resident of village-Mokar was present at her paddy field for sapling. At that time, 17 persons named in the F.I.R., including the petitioners, variously armed with weapons came there and started to abuse. When she made protest then Brajesh Pandey, Rajesh Pandey (Petitioner No.2) and Manglesh (Petitioner No.3) asked to kill then Ayodhya Singh, having arm in his hand, caught her hair and Ramjee Mishra started to press her neck. At that time her son, Niket Raj, who is student, was there started weeping then he was also threatened for dire consequences and to stop sapling of paddy otherwise both will be killed. Thereafter, Niket Raj, son of informant, went at some distance and started to talk to his father on mobile then with intention to create terror, Brajesh Pandey, Rajesh Pandey (Petitioner No.2), Ayodhya Singh, Ramjee Mishra, Krishna Murari Mishra @ Mellu Mishra (Petitioner No.4), Nanhak Pandey (Petitioner No.1) and Anup Pandey started indiscriminate firing. At that time, Brajesh Pandey pointing to her son Niket Raj opened fire, which hit to him and he fell down with pool of blood. At the same time,



Ramjee Mishra and Ayodhya Singh asked to shot fire again. Thereafter, all moved from there believing that Niket Raj has died. Thereafter, informant gave message to her family members then her family members came there and her son Niket Raj was rushed to private clinic for treatment from where he was referred to Varanasi for better treatment.

Learned counsel for the petitioners submits that occurrence of Marpit took place due to land dispute in which petitioners' side also sustained injury regarding which Agrer P.S. Case No. 33 of 2020 for the offence under sections 147, 149, 341, 323, 427, 504 and 506 of Indian Penal Code and Section 27 of the Arms Act against husband of informant of the present case and 15 unknown, on the basis of fardbeyan of Rajesh Pandey (Petitioner No.2). Further submission is that it would appear from the F.I.R. that except Brajesh Pandey, all made indiscriminate firing only to create terror and firing of Brajesh Pandey hit to Niket Raj, son of informant, and in injury report only one fire arm injury found. Further submission is that, in fact, petitioners have falsely been implicated in this case with general allegation of making indiscriminate firing for creating terror. Moreso, similarly situated co-accused Ajay Mishra has already been allowed privilege of pre-arrest bail by



a co-ordinate Bench of this Court on 07.06.2021 vide Criminal Miscellaneous No. 39670 of 2020.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram at Rohtas in connection with Agrer P.S. Case No. 39 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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