

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40664 of 2020**

Arising Out of PS. Case No.-18 Year-2020 Thana- BODHGAYA District- Gaya

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GAURI SHANKAR PANDEY @ KITTU PANDEY S/o Late Munni Pandey
R/o Newatapur, P.S. - Bodh Gaya, District - Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 08-04-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Bodh Gaya P.S. Case No.

18 of 2020, registered for the offence punishable under Section

414 of the Indian Penal Code and section 25(1-b)A/26/35 of the

Arms Act.

On a secret information that some miscreants have

assembled near the house of Chun Chun Pandey with a plan to

commit murder of Chun Chun Pandey, informant along with

other police officials raided the house of this petitioner and six

accused persons including this petitioner were arrested. Upon

search, one country made pistol and one mobile was recovered



from possession of this petitioner and some motorcycles which were parked near the house of this petitioner were also seized.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case by the local police at the behest of Chun Chun Pandey and for the same occurrence, two FIR have been lodged on the same date. The entire allegation is false and concocted. In fact the instant case has been instituted against the petitioner in order to create pressure upon him to compromise the case bearing Bodh Gaya PS Case No. 638 of 2017 which was lodged by the mother of petitioner against the father and brother of Chun Chun Pandey for assaulting and misbehaving with minor daughter of petitioner. No incriminating article has been recovered from possession of this petitioner. Petitioner is in custody since 12.01.2020.

Considering the facts and circumstances of the case and nature of recovery and period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. Case No. 18 of 2020, subject to following conditions:-



(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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