

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63042 of 2021

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

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CHUNCHUN PANDEY @ CHANCHAL PANDEY Son of Late Genalal
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, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-11-2021 Heard Mr. Sangeet Deokuliar, learned counsel for

the petitioner and Mr. Akshay Lal Pandit, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with

Chhauradano P.S. Case No. 137 of 2020 registered for the

offences punishable under Sections 302, 120B of the Indian

Penal Code and Section 27 of the Arms Act.

This is second attempt for grant of regular bail on

behalf of the petitioner inasmuch as earlier the bail application

of the petitioner was rejected by this Court vide order dated

25.03.2021 passed in Cr. Misc. 40067 of 2020 with liberty to

renew his prayer for grant of regular bail after six months.

The allegation as per the First Information Report is



that the petitioner along with one Pawan Pandey arrived at the residence of the informant on Motorcycle and took his son namely, Raja Babu Kumar along with them. It has further been alleged that son of the informant was taken to the lounge (*Baithka*) of one Shivchandra Pandey and when the informant reached near the lounge (*Bhaithka*), heard the sound of firing and he found that his son was injured with gun shot injury on his right temple and subsequently died.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and only material which has come against the petitioner during course of investigation, is the confessional statement allegedly made by the petitioner before the Police, in which, he has stated that the deceased had purchased Pistol from the petitioner and had not given money for the purchase of the said firearm. When the nephew of the petitioner namely, Pawan Pandey, demanded the money, the deceased refused to give the money, then Pawan Pandey shot at the deceased on his temple. Learned counsel further submits that from perusal of the confessional statement of the co-accused Pawan Pandey, it would be evident that petitioner is not the main assailant.

Regards being had to the submission made by the



parties and taking into consideration the materials on record, the fact that the only material which has come against the petitioner is confessional statement and even from perusal of the same, it appears that the main assailant is Pawan Pandey and not the petitioner, the petitioner is in custody since 16.6.2020 and this is second attempt for grant of regular bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, in connection with Chhauradano P.S. Case No. 137 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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