

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10476 of 2021**

Arising Out of PS. Case No.-22 Year-2020 Thana- MURAR District- Buxar

JITENDRA PANDEY @ LAL BIHARI PANDEY SON OF LATE DEVAN
PANDEY VILLAGE- BASANTPUR, P.S.-MURAR, DISTRICT- BUXAR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Murar P.S. Case No. 22 of 2020 registered for the offences punishable under Sections 147/148/149/341/323/325/307/504/506 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that both sides are full brothers and they indulged in a free fight on the point of drainage. It is alleged that the petitioner had opened fire from his pistol which hit the leg of one Vinay Kumar Pandey and he fell down. Then the other accused persons hit the



informant with iron rod on his head and hand and also hit his brother who sustained injury on the head.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to previous land dispute. The petitioner and the informant are full brothers and on account of land dispute there was a quarrel in which both sides indulged in a free fight. The petitioner himself has suffered severe injuries for which he has been treated in AIIMS at Patna alongwith one of his brothers. Learned counsel submits that the petitioner is in custody since 22.11.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is submitted on behalf of the petitioner that the petitioner and the informant are full brothers, on account of land dispute the brothers are divided and while three brothers are on the one side and three are on the other side, there was a quarrel in which both sides seems to have indulged in a free fight, the allegation against this petitioner is that he had fired from his pistol on the leg of Vinay Kumar Pandey, however, there is no allegation of repetition of firing, there is a counter case also and



the petitioner himself has suffered severe injuries for which he has been treated in AIIMS at Patna along with one of his brothers, in the nature of the dispute and the materials placed before this Court, considering that the petitioner has remained in judicial custody for over six months, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Murar P.S. Case No. 22 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify



the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

