

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18237 of 2021

Arising Out of PS. Case No.-258 Year-2018 Thana- DURAULI District- Siwan

SANOJ PANDEY S/O SARAL PANDEY R/O VILLAGE-NEPULA, P.S-
DARAULI, DISTRICT-SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the State	:	Mrs. Renu Kumari, APP
For the Informant	:	Mr. Shailendra Kumar Dwivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Darauli P.S.
Case No. 258 of 2018 registered for the offences punishable
under Sections 147, 148, 149, 302, 338 of the IPC and Section
27 of the Arms Act.

The prosecution case, in short, is that on 09.11.2018 at
about 8:30 AM while the informant was going to grocery shop
to purchase some articles, the petitioner along with other



accused came there having armed with different weapons. Seeing them the informant started running towards his house making noise. The informant's father came out from his house and fire of petitioner hit on the chest of informant's father who fell down there. The fire of accused Saral Pandey did not hit anyone. The accused persons having came at the door of informant's house started pelting stones and abused them giving threat to kill. The injured was taken to hospital where he was declared dead.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the FIR itself that alleged occurrence took place on 09.11.2018 at 8:30 AM and the present FIR has been instituted on 11.11.2018 without any explanation. He further submits that the so-called witnesses of the present case are family members of the present informant and no independent witness has come forward to support the prosecution case. Petitioner is in custody since 02.03.2020.

Learned counsel for the informant as well as learned Additional Public Prosecutor vehemently opposed the prayer of bail. They submit that there is direct allegation of firing upon



the deceased against the petitioner. Learned counsel for the State referred paragraphs no. 53 and 54 of supplementary case diary and submits that there are number of witnesses who have supported the allegation levelled against the petitioner.

Considering this aspect of the matter that there is direct allegation of firing against the petitioner, I am not inclined to grant bail to the petitioner and accordingly, the same stands rejected.

However, the learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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