

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12975 of 2022**

Arising Out of PS. Case No.-370 Year-2020 Thana- ARWAL District- Jehanabad

1. Rubham Pandey, Son Of Raghuwar Pandey R/O Village- Duna Chhapra, P.S.- Arwal, District- Arwal
2. Raghuwar Pandey, Son Of Jagdeo Pandey R/O Village- Duna Chhapra, P.S.- Arwal, District- Arwal

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jharkhandi Upadhyay

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      28-04-2022                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 302/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are in custody since 26.11.2021, they are persons with clean antecedent and charge-sheet has been submitted in this case.

The learned counsel for the petitioners further submits that the informant alleges that his son (deceased) was called by co-accused Jitesh Kumar @ Panditjee on 27.10.2020 on his



mobile. Further by leaving the house the deceased informed his mother that he is going to meet Panditjee and would return soon, but the deceased did not return in the night. Hence, it was presumed that he may sleep in the house of Jitesh Kumar @ Panditjee. On 28.10.20 at 6.00 A.M., the informant heard that his son lying in an injured condition near brick-kiln of one Ram Janam Singh. Accordingly, the informant reached the place of occurrence and his son was taken to hospital from where he was referred to P.M.C.H. where he died during the course of treatment on 07.11.2020. The informant further alleges that his son during the treatment disclosed that the accused persons including the petitioner assaulted and tried to strangle his neck and even took Rs.30,000/-.

The learned counsel for the petitioners submits that petitioner has been falsely implicated in the present case. The date of occurrence is 27.10.2020 and the F.I.R. has been instituted on 08.11.2020 and the deceased died on 07.11.2020. It is submitted that if what has been alleged in the F.I.R. is true, then the deceased was in a condition as to whether he could speak and if condition of the deceased was of such that he could make his statement, then why the fard-bayan of deceased was not recorded and why the F.I.R. came to be instituted only after



the death of his son. This amply demonstrates that the informant for reasons best known to him has tried to falsely implicate the petitioner by levelling general and omnibus allegation. It is further submitted that there is absolutely no explanation for the delay in instituting the F.I.R. The learned counsel further submits that co-accused Rahul Tiwary has been granted bail by order dated 26.04.2022 in Cr. Misc. No.69910 of 2021.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioners are in custody, they are persons with clean antecedent, charge-sheet has been submitted in this case and co-accused has been granted bail and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Arwal P. S. Case No.370 of 2020.

The application stands allowed.

**(Satyavrat Verma, J)**

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