

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15325 of 2022

Arising Out of PS. Case No.-161 Year-2020 Thana- BIDUPUR District- Vaishali

1. Sita Devi W/O Amarnath Pandey R/o village- Maeel (Pandey Tola), P.S.- Bidupur, Distt.- Vaishali
2. Amarnath Pandey S/o Deonath Pandey R/o village- Maeel (Pandey Tola), P.S.- Bidupur, Distt.- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 30464 of 2022

Arising Out of PS. Case No.-161 Year-2020 Thana- BIDUPUR District- Vaishali

Gautam Pandey Son of Amarnath Pandey Resident of Village - Pandey Tola,
P.S. - Bidupur, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15325 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP.

(In CRIMINAL MISCELLANEOUS No. 30464 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 14-07-2022

Cr. Misc. No.15325 of 2022

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with
Bidupur P.S. Case No. 161 of 2020 lodged under Sections

364/302/34 of the Indian Penal Code.

The prosecution story is that the son of informant aged about 19 years was kidnapped at about 9 P.M. on 07.05.2020 by the petitioners alongwith 11 other persons. At about 12:10 A.M. the alleged kidnapped (deceased) informed to his elder brother on phone call that he was kidnapped by Gautam Pandey and others and they kept him at their house. After intervention of local politician (son of Zila Parishad) the door was opened, where the alleged kidnapped was found in unconscious condition, from where he was sent to hospital but Doctor declared him dead, in result the present F.I.R. was lodged.

Learned counsel for the petitioners submit that petitioner no.1 is female aged about 62 years and petitioner no.2 is old person aged about 68 years. They are languishing in jail since 19.08.2021 and both the petitioners have no criminal antecedent. He further submits that charge sheet has already been filed in this case in which police has not found the allegation of kidnapping to be true and, therefore, Section 364 I.P.C. has been removed and charge sheet has been submitted under Section 341, 342, 302/34 of Indian Penal Code. Learned counsel for the petitioners submits that the deceased has entered

in the house of the petitioners with intention to commit theft but the family members of the petitioners woke up and raised halla. The deceased was subsequently apprehended by the family members and co-villagers and they assaulted the deceased, in result he was injured and subsequently when police came and taken the deceased into custody then during course of treatment he died at Bidupur Primary Health Center. Learned counsel has attached the postmortem report of the deceased (Annexure No.2) by which there were multiple injuries found on the body of deceased but the cause of death shown in the postmortem report is due to shock, coma and hemorrhage of polytrauma.

Learned counsel for the State opposes the prayer for bail.

Considering the facts and circumstances of this case and the submissions made herein-above, I am inclined to grant bail to the petitioners, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 161 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The petitioners are directed to appear on each and every date before the Trial Court, in case of non-appearance for two consecutive dates, shall resulted into cancellation of their bail bonds. If they shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of their bail bonds.

With these conditions, the bail application stands allowed.

Cr. Misc. No. 30464 of 2022

In the instant application, the petitioner is Gautam Pandey whose bail application has earlier been rejected vide order dated 14.07.2021 and his trial has been commenced vide Sessions Trial No. 284 of 2021 arising out of Bidupur P.S. Case No. 161 of 2020.

Learned counsel for the petitioner submits that this petitioner is in custody since 08.05.2020 and trial has already been commenced i.e. more than about 2 years.

Learned counsel for the State opposes the prayer for bail.

Considering the period of custody and that trial has already been commenced, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees

Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session's Judge-13 Vaishali at Hajipur in connection with S.T. No. 284 of 2021 arising from Bidupur P.S. Case No. 161 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The petitioner is directed to appear on each and every date before the Trial Court, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond. If he shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of his bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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