

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38586 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- JOGAPATTI District- West Champaran

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SANJAY PANDEY S/o Maksudan Pandey @ Arunoday Pandey R/o Village-
Pipra, Pandey Tola, P.S.- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 43042 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- JOGAPATTI District- West Champaran

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MAKSUDAN PANDEY @ ARUNODAY PANDEY S/o Late Ramakant
Pandey R/o Village- Pipra, Pandey Tola, P.S.- Yogapatti, District- West
Chamapran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 38586 of 2021)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shailesh Kumar, Advocate

Mrs. Asha Devi, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 43042 of 2021)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shailesh Kumar, Advocate

Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 04-04-2022 Heard learned counsel appearing on behalf of the

petitioners, learned counsel appearing on behalf of the

informant and learned APP for the State.

Let the defect(s) be removed within two weeks of the

complete start of the physical Court in normal course.



Petitioners, who are in custody since 06.01.2021, seek regular bail in connection with Yogapatti P.S. Case No. 10 of 2021 registered for offences punishable under Sections 147, 149, 447, 341, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code.

Allegation against the above named two petitioners is that they had assaulted the deceased by means of *lathi-danda*.

Sri Bimlesh Kumar Pandey, learned counsel appearing on behalf of the petitioners in both the Criminal Miscellaneous application submits that the very allegations made against the petitioners are not substantiated by any material or evidences which have been collected in course of investigation rather from the post-mortem it would appear that anti-mortem injuries sustained by the deceased have been caused by sharp weapon while the allegation in the FIR is that these petitioners had assaulted by means of hard and blunt substance. Petitioners are agnates of the informant and there was dispute relating to pond between the parties and due to this the petitioners have falsely been implicated in the present case. The deceased had sustained injury in some other case.

Considering the serious nature of allegation made in the F.I.R., against the petitioners, I am not inclined to enlarge



the above named two petitioners who have filed two bail applications.

The trial Court is directed to conclude the trial within a period of 12 months.

The Superintendent of Police, Bettiah, West Champaran is directed to produce all the prosecution witnesses on each dated fixed by the trial Court without fail.

If no substantial progress takes place in conduct of trial, the petitioners, if so advised, may renew their prayer for bail after the aforesaid period.

A copy of this order may be communicated to the Superintendent of Police, Bettiah, West Champaran.

(Purnendu Singh, J)

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