

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45877 of 2021

Arising Out of PS. Case No.-374 Year-2020 Thana- SIMRI District- Buxar

CHANDAN PANDEY @ CHANDAN KUMAR PANDEY Son of Harendra
Pandey Resident of Village - Simri (Bakulaha Patti), P.S.- Simri, Distt.-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 14.07.2021,
seeks regular bail in connection with Simri P.S. Case No. 374 of
2020 for the offence punishable under Sections 341, 323, 325,
307, 379, 354A, 504 and 506 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case, in brief, is that the accused
persons who are co-villagers of the informant armed with lethal
weapon started assaulting the family members of the informant



in which the informant and two other persons sustained injury.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner. Specific allegation is against one Barun Kumar Pandey and Golu Pandey and the said Barun Kumar Pandey has been enlarged on anticipatory bail vide order dated 15.12.2021 passed in Cr. Misc. No. 41199 of 2021 by a co-ordinate Bench of this Court. Petitioner is in custody since 14.07.2021.

Learned A.P.P. for the State while opposing the bail application has submitted that the petitioner is accused in one more criminal case prior to this case, as such the antecedent of the petitioner is questioned and the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, general and omnibus nature of allegation, another co-accused namely Barun Kumar Pandey has already been released on anticipatory bail against whom there is direct allegation of assault vide order dated 15.12.2021 passed in Cr. Misc. No. 41199 of 2021, taking into consideration the period of custody of the petitioner and there being no allegation



of tampering with the evidence or influencing the witnesses and chargesheet has already been submitted against the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Buxar in connection with Simri P.S. Case No. 374 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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