

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39470 of 2022

Arising Out of PS. Case No.-335 Year-2020 Thana- SHIVSAGAR District- Rohtas

Chhotu Pandey Son Of Nanhak Pandey R/O Village- Rampur, Telari, P.S.-
Sheosagar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 22-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Seosagar
P.S. Case No. 335 of 2020 registered for the offence under
Sections 324 and 307 of the Indian Penal Code and under
Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 24.05.2022.

The allegation against the petitioner is to cause fire
arm injury to the brother of the informant, along with other co-
accused persons, having intention to cause death, where dispute
is founded over an altercation developed during staging of



Ramlila.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in the present case. It is submitted that subsequent of this case regarding same occurrence, a case i.e. Seosagar P.S. Case 336 of 2020 was also lodged by local chowkidar on the basis of viral video, where petitioner is even named as organizer of Ramlila, where one, Bheem Pandey, was alleged to have in possession of fire arm. While traveling over the argument, it is pointed that **Para-41** of the case diary which was recorded by I.O. namely, Rana Pratap Mandal, having full occasion to record the statement of injured but despite of same it was not recorded even after more than year of the said occurrence. It is further submitted that injury report was obtained from private hospital and, as such, fabrication cannot be ruled out. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that the injured examined by supervising authority i.e. Deputy Superintendent of Police, Dehri, District-Rohtas, on 01.06.2021, but fairly conceded the fact that said supervision



note is not the part of the case diary.

In view of the facts and circumstances as mentioned above, and by taking note of the fact that as statement of injured is not available on record despite of having an opportunity to get it recorded coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Seosagar P.S. Case No. 335 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sasaram, District-Rohtas/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

Before stepping out from this bail proceeding it is appropriate to observe that despite of having all opportunity, the statement of injured was not recorded by I.O., namely, Rana Pratap Mandal, as appeared through Para-41 of the case diary. It appears that I.O. of this case is not well trained to investigate such heinous offence, which is apparent from his negligence.

Accordingly, S.P., Rohtas, is directed to send this I.O. to Police Training Center for next three (3) months for appropriate training and thereafter on his satisfaction he may be given charge to investigate any such case.



The copy of this order be sent to Superintendent of Police, Rohtas, for immediate action, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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