

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56621 of 2021

Arising Out of PS. Case No.-389 Year-2019 Thana- LALGANJ District- Vaishali

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1. JYOTI KUMAR PANDEY @ JYOTI KUMAR S/O SRI ARVIND PANDEY R/o village- Lakhan Sarai, P.S.- Lalganj, District- Vaishali
 2. PRAKASH KUMAR @ PRAKASH PANDEY S/O SRI ARVIND PANDEY R/o village- Lakhan Sarai, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Adv. Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s :		Mr. Pramod Kumar Pandey, APP
For the Informant		Ms. Rina Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Lalganj P.S. Case no. 389 of 2019 instituted for the offence under Sections 341, 323, 307, 302, 504, 506, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

It is a case of assault and firing upon the informant and his brother, as a result of which, Ujjwal Pandey, brother of the informant died.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed



no offence. After completing the investigation, these petitioners were not sent up for trial. However, the learned court below took cognizance against them finding the case prima facie true. There is case and counter case. Both parties have sustained injuries in the alleged incident.

Learned counsel for the informant submitted that being the members of unlawful assembly, petitioners are also equally responsible for committing the murder of informant's brother.

Learned APP appearing for the State has opposed the prayer of Bail.

It appears from perusal of the case diary that specific allegation of opening fire upon the brother of the informant is against co-accused Prabhakar Pandey and Uday Pandey and not against these petitioners. The post-mortem report reveals that deceased had received two wounds of entry and two wounds of exit and cause of death was due to haemorrhage and shock.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest



or surrender in connection with Lalganj P.S. Case no. 389 of 2019, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- IX, Vaishali at Hajipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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