

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61259 of 2021

Arising Out of PS. Case No.-436 Year-2020 Thana- LAXMIPUR District- Jamui

Bibhuti Pandey Son Of Pankaj Pandey R/O Village- Karanpur, P.S.-
Laxmipur, District- Jamui, Bihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Laxmipur P.S.
Case No. 436 of 2020 registered for the offences punishable
under Sections 147, 148, 149, 341, 342, 387, 324, 307, 504 of
the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, as per the written
statement of the informant stated that the wife of the informant
namely Bhawani Devi is Deputy Mukhiya of Media Panchayat,
and a work was going on under the scheme of Mukhya Mantri 7



Nishchay Yojna in the supervision of elder son of the informant. It has been further alleged that the accused persons including the petitioner who are noted criminal started demanding Rangdari of Rupees One lakh and they also threatened to kill in case of non-fulfillment of Rangdari, when informant was coming towards his house alongwith his son and as soon as they reached near the house of Gopali Lal, all the accused persons assembled there from before, and Sonu Pandey said that Bambamwa ka Sala has come, finish it, and accused persons namely Bhimbhuti Pandey (petitioner), Rajesh Pandey and Sonu Pandey caught the son of the informant and Pinku Pandey shot fired over Panjra of son of informant namely Bambam and due to which Bambam received injury in his Panjra and he fell down and on hulla when near by people assembled, accused persons fled away.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence as mentioned in the F.I.R. is 06.12.2020 but the present F.I.R. has been instituted on 16.12.2020 without explaining the delay. He further submits that the allegation against the petitioner is that he caught the son of the informant and other co-accused person



fired upon him. He further submits that after investigation police has submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sonu Pandey, who is full brother of the petitioner, has been granted bail by a co-ordinate Bench of this Court vide order dated 03.12.2021 passed in Cr. Misc. 44688 of 2021. The petitioner is in custody since 22.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries three criminal antecedents apart from the aforesaid cases the petitioner also carried two other cases as mentioned in the supplementary affidavit.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Laxmipur P.S. Case No. 436 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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