

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61390 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- LAURIA District- West Champaran

1. NEERAJ PRASAD @ NEERAJ KUMAR S/o DHARMNATH PRASAD
R/o VILLAGE-MATHIYA, P.S-LAURIYA, DISTRICT-WEST
CHAMPARAN.
2. CHANDRASHEKHAR PRASAD S/o ASHOK SAH R/o VILLAGE-
MATHIYA, P.S-LAURIYA, DISTRICT-WEST CHAMPARAN.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 62764 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- LAURIA District- West Champaran

1. SHIVDHARI PANDEY S/o Ramayan Pandey R/o Mathiya Vriti Tola, P.S.-
Lauriya, District- West Champaran.
2. Prabhu Pandey S/o Ramayan Pandey R/o Mathiya Vriti Tola, P.S.- Lauriya,
District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61390 of 2021)

For the Petitioner/s : Ms. Soni Srivastava
Mr.Nilesh Sinha

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta
(In CRIMINAL MISCELLANEOUS No. 62764 of 2021)

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Murli Dhar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 18-07-2022 Learned counsel for the petitioners is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the



learned APP for the State.

The petitioners apprehend their arrest in connection with Tr. No. 1592 of 2021 arising out of Lauriya P.S. Case No. 183 of 2020, registered for the offences punishable under Sections 341, 323, 325, 307, 504 and 506/34 of the Indian Penal Code.

As per allegation, when the informant Vishwanath Rao who happens to be *Mahant* of the *Math* was sitting at the *Math*. The FIR named accused persons along with 4-5 unknown came there and co-accused Saheb Giri assaulted him and made him badly injured. Co-accused Brijesh Rai and petitioner Shivdhari Pandey snatched Rs. 3,500/- from his pocket and also snatched the key of the *Math*. It has also been mentioned in the FIR that the co-accused Saheb Giri had a greedy eye over the *Math* for becoming *Mahant* thereof. During course of treatment the informant died and thereafter Section 302 of the IPC was added.

Learned counsel for the petitioners Shivdhari Pandey and Prabhu Pandey has submitted that the police did not find any material during the course of investigation against petitioner Shivdhari Pandey and Prabhu Pandey and submitted final form against these petitioners. He has submitted further that the allegation to wrap *gamacha* around the throat of the informant and to assault him is only against Saheb Giri and not against other accused persons.

The learned counsel for the petitioners Neeraj Prasad and Chandrashekhar Prasad has submitted that there is no allegation



against these petitioners to assault the deceased. They are even not named in the FIR.

Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM, West Champaran, Bettiah in connection with Lauriya P.S. Case No. 183 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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