

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71202 of 2021

Arising Out of PS. Case No.-333 Year-2019 Thana- BODHGAYA District- Gaya

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Gauri Shankar Pandey @ Kittu Pandey, Son of Late Munni Pandey, Resident
Of Village- Newtapur, P.S.- Bodhgaya And District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.-2

For the Opposite Party/s : Mr. Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 21-11-2022 Heard Ld. counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 225 of 2020/90 of 2020, arising out of

Bodhgaya P.S. Case No. 333 of 2019, registered for the

offences punishable under Sections 326 and 307 of the

Indian Penal Code and Section 27 of the Arms Act.

The prosecution story as emerges from the FIR is

that when the husband of the informant was sitting outside

his house, two persons came there on motorcycle and

opened fire on him, due to which he sustained gun shot

injuries.



Ld. Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He further submits that the petitioner is in custody since 24.02.2020. He also submits that petitioner is accused in eight other criminal cases including alleged offence of murder. However, he is on bail in all the cases. He further submits that charge in this case has already been framed and after perusal of the charge-sheet, it appears that his name has transpired after six months of investigation.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in eight other cases.

However, the Ld. APP for the State vehemently opposes the prayer for bail submitting that the petitioner has several criminal antecedents and he is a man of criminal nature and a threat to the society, in case he is released on bail. Moreover, he points out that as per the prosecution



case, this accused was involved in the murder of the father of the victim of this case and to eliminate the witness he tried to kill the victim, though he survived the attack.

Considering the criminal antecedents of the accused-petitioner together with allegation of murdering the father of the victim of the present case, I am not persuaded to enlarge the petitioner on bail.

The application stands rejected accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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