

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10310 of 2023

Arising Out of PS. Case No.-126 Year-2021 Thana- SANJHOLI District- Rohtas

1. Baijnath Pandey @ Baidhnath Pandey S/O Bhuneshwar Pandey Resident Of Village- Pokhrah, P.S.- Bagengola, District- Buxar.
2. Gobind Kumar Pandey S/O Baijnath Pandey @ Baidhnath Pandey Resident Of Village- Pokhrah, P.S.- Bagengola, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioners, informant and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case is that the informant who is the village Chaukidar received informant that a person has been murdered at Nokha Buxar canal road, whereafter he had gone at the said place of occurrence and found that one person aged about 27 years is lying dead who has sustained firearm injury on his temple region.

Learned counsel for the petitioners submits that the petitioners is innocent and have been falsely implicated in



this case. He submits that there is no eye witness of the alleged occurrence, nobody has seen the deceased in company of the petitioners and only on the basis of suspicion, they have been made accused in this case. He further submits that petitioners have criminal antecedent as stated in para-3 of this application.

Learned APP for the State and learned counsel for the informant oppose the prayer for bail and submit that the petitioner no. 1 has suppressed the criminal antecedent as stated in para-2 of the counter affidavit.

Considering the facts and circumstances of the case and the fact that the petitioner no. 2 is not named in the FIR, let the above named petitioner no. 2 in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sanjhouli P.S. Case No. 126 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner no. 1 is concerned, since he suppressed the criminal antecedent, I am not inclined to enlarge



the petitioner no. 1 on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with the aforesaid case.

(Anjani Kumar Sharan, J)

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