

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13043 of 2023

Arising Out of PS. Case No.-460 Year-2022 Thana- KOTWA District- East Champaran

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SUBHASH PANDEY S/O LATE NAGERSHWAR PANDEY Resident of
Village- Amwa, P.S.- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anuj Kumar, Advocate
For the Informant	:	Mr. Sanjay Kumar, Advocate
		Mr. Jay Prakash Singh, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 20-06-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State assisted by learned counsel for the

informant.

The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 147, 148,

149, 341 & 302 of the Indian Penal Code and Section 27 of the

Arms Act.

All the F.I.R. named accused persons including this

petitioner are said to have shot dead the husband of the

informant.

It is submitted by learned counsel for the

petitioner that no such occurrence as alleged ever took place.

He has been falsely implicated in this case due to dirty village



politics. The allegation against the petitioner is to caught hold the informant and other accused persons are said to have made indiscriminate firing upon the deceased. It is further submitted that only two empty cartridges have been recovered from the place of occurrence and thus the allegation of indiscriminate firing is out and out false and fabricated. It is further submitted that informant has not sustained any injury, thus, no offence under Section 302 IPC is made out against the petitioner. It is also submitted that there is no eye-witness to the occurrence except the informant, who is wife of the deceased. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP assisted by learned counsel for the informant vehemently opposing the prayer for bail submitted that the petitioner was also involved in the said occurrence, hence he does not deserve anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Kotwa P.S. Case No. 460 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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