

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10951 of 2023

Arising Out of PS. Case No.-137 Year-2020 Thana- CHHAURADANO District- East
Champaran

SUBODH PANDEY Son of Shivchandra Pandey Resident of Village- Shripur
Tola Belhari, P.S.- Chhauradano, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-05-2023 Heard the parties.

The petitioner is in custody in connection with
Chhauradano P.S. Case No. 137 of 2020 for the offence under
Sections 302, 120(B) of the I.P.C. and Section 27 of the Arms
Act lodged on 10.06.2020 by the informant Indrajeet Mahto.

Allegation was that Pawan Pandey and Chunchun
Pandey @ Chanchal Pandey took away the son of the informant.
He went behind them and thereafter heard the sound of gunshot.
Subsequently, found his son dead.

The petitioner was also named by the informant but
subsequently, police submitted final form and as such there has
been delay in appearing before this Court.

It has been further contended that both Pawan Pandey



and Chunchun Pandey @ Chanchal Pandey have since been granted bail by coordinate Benches in Cr. Misc. No. 38121 of 2021 and Cr. Misc. No. 63042 of 2021 respectively.

Let the same be kept on record.

Learned APP opposes the prayer for bail.

In view of the fact that in the F.I.R., the allegation against Pawan Pandey and Chunchun Pandey @ Chanchal Pandey, both of them have been granted bail and the petitioner has remained in custody since 17.10.2022 (as stated in para 10 of the petition), this Court is inclined to grant him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Motihari, in connection with Chhauradano P.S. Case No. 137 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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