

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22822 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- TETERHAT District- Lakhisarai

Panditwa @ Rajesh Kumar Son Of Late Suresh Prasad Resident Of Village-
Kabaiya Road, Ward No.-25, Police Station-Kabaiya And District-Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has filed the instant application for grant of regular bail in connection with Tetarhat P.S. Case No. 100 of 2022 registered under sections 307, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in short, is that, when the informant along with his mother and wife was sleeping in their house. In the meantime, co-accused persons including this petitioner came and started assaulting them. When his mother came to rescue, then co-accused persons Raushan Gupta and Dhupendra Gupta started firing. Further alleged that co-accused Raushan Gupta fired upon the informant which hit on his arms as a result of which he received injury and the bullet fired by Dhupendra Gupta hit on the forehead of his mother as a result of which she



died.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to land dispute. It is further submitted that there is no specific overt act of opening fire upon the deceased and informant against the petitioner rather the specific allegation of firing due to which informant sustained injury and his mother shot dead is against co-accused persons, namely, Raushan Gupta and Dhupendra Gupta. It is also submitted that after completion of the investigation, the petitioner has not been sent up for trial but cognizance has been taken by the Court below in this case. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent and he is languishing in judicial custody since 15.10.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Tetarhat P.S.



Case No. 100 of 2022 on furnishing bail bond of Rs. 10,000/-
(Rupees ten thousand) with two sureties of the like amount each
to the satisfaction of the learned Judicial Magistrate 1st,
Lakhisarai.

(Sunil Kumar Panwar, J)

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