

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28400 of 2023

Arising Out of PS. Case No.-258 Year-2018 Thana- DURAULI District- Siwan

SANOJ PANDEY SON OF LATE SARAL PANDEY RESIDENT OF
VILLAGE -NEPURA, POLICE STATION -DARAULI, DIST- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul Kumar, Sr. Adv. Mr. Ram Pravesh Nath Tiwari, Adv.
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Vinod Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail, who is in custody since
02.03.2020 in connection with S. Tr. No.84/2021, arising out of
Darauli P.S. Case No.258/2018, dated 11.11.2018, for the
offences punishable under Sections 147, 148, 149, 302, 338 of
the IPC & Section 27 of the Arms Act.

The prosecution case, in short, is that on 09.11.2018 at
about 8:30 AM while the informant was going to grocery shop
to purchase some articles, the petitioner along with other
accused came there having armed with different weapons.
Seeing them the informant started running towards his house
making noise. The informant's father came out from his house



and fire of petitioner hit on the chest of informant's father who fell down there. The fire of accused Saral Pandey did not hit anyone. The accused persons having come at the door of informant's house started pelting stones and abused them giving threat to kill. The injured was taken to hospital where he was declared dead.

Learned counsel for the petitioner submits that the earlier the bail petition of the petitioner was rejected vide order dated 07.02.2022 passed in Cr. Misc. No. 18237 of 2021. He further submits that it appears from the FIR itself that date of occurrence as alleged in the F.I.R. took place on 09.11.2018 and the present FIR has been instituted on 11.11.2018, after lapse of two days without any explanation of delay. He further submits that before filing of the present F.I.R., the inquest report was prepared on 09.11.2018 and postmortem of the deceased was also conducted on 09.11.2018 itself. He further submits that the informant was available at the time of preparation of the inquest report as well as postmortem report but he did not disclose the name of the accused persons and thereafter the present F.I.R. has been instituted after thought only to falsely implicate the petitioner in the present occurrence. The petitioner is in custody since 02.03.2020.



Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has shot fire upon the deceased.

Vide order dated 03.05.2023 a report was called for from the learned trial court regarding the present stage of the trial. Report dated 18.05.2023 of the learned trial court reveals that charge has been framed in the present case against the petitioner on 22.12.2021 and altogether there are 15 charge sheeted witnesses and out of them, four charge sheeted witnesses have already been examined.

Learned counsel for the petitioner submits that in view of the report of the learned trial court, the trial is not likely to be concluded in near future and the petitioner is in custody since 02.03.2020.

Considering the aforesaid facts and submissions advanced on behalf of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III-cum-Special Judge M.P., M.L.A., M.L.C, Siwan in connection with S. Tr.



No.84/2021, arising out of Darauli P.S. Case No.258/2018,
subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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