

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28497 of 2022

Arising Out of PS. Case No.-225 Year-2021 Thana- KATEYA District- Gopalganj

1. VISHAL PANDEY Son of Late Dhamalu Pandey @ Ajay Pandey @ Ajay Kumar Pandey Resident of Village - Louthi, P.S.- Kateya, Distt.- Gopalganj, Bihar.
2. Guddan Pandey Son of Sanjay Kumar Pandey Resident of Village - Louthi, P.S.- Kateya, Distt.- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Adv.
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-01-2023 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 420, 406 and 506 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the three accused persons including the two petitioners herein are said to have opened Glaze Trading India Private Limited promising to double the amount invested. It is stated that on the instigation of co-accused Rajan Pandey, the informant deposited a sum of Rs.20,000/ for which he was returned an amount of Rs.30,000/ in one week. Thereafter, the said amount of Rs.30,000/ was



invested and he was returned Rs.45,000/ in one week. Finally, on investing Rs.15 lacs, the amount was misappropriated. Subsequently it is stated that co-accused Rajan Pandey called the informant to meet him for payment of money. On the informant suspecting some untoward incident, it is stated that the same evening all the three accused persons including the two petitioners herein came on a motorcycle, fired on the informant and thereafter escaped.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The main allegation is against the co-accused Rajan Pandey. No offence under any section is made out against these petitioners. No incriminating article has been recovered from their possession nor any injury has been caused as a result of firing which is clearly a superficial allegation. There is an unexplained delay of 12 days in lodging of the F.I.R. The petitioners are in custody since 5.1.2022 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R. against the petitioners herein, the Court is not inclined to enlarge



the petitioners on bail and the application is rejected.

Liberty is granted to the petitioners to renew their prayer for bail after framing of charge or after six months, whichever is later.

(Partha Sarthy, J)

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