

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39360 of 2022

Arising Out of PS. Case No.-242 Year-2019 Thana- BASANTPUR District- Siwan

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SANJAY PANDEY @ SANJAY BABA Son of Late Prabhunath Pandey, R/o-
Basawan Takhat, Basoon, District - Siwan, Pin - 841406, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kant

For the Opposite Party/s : Mr.Shailendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 10-01-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Basantpur P.S. Case No. 242 of 2019 registered for offence
punishable under section 302/34 of the Indian Penal Code.

As per allegation, the deceased, who was uncle of the
informant, went to Shahar Kola Bazar fromwhere co-accused
Narendra Rai had taken away him by his motor-cycle. When the
deceased did not return, the informant was impression that due
to heavy rain, he could not have returned. Next day, his dead



body was found. The informant noticed that the deceased was murdered by sharp-edged weapons and he had sustained injury by the said weapons on his stomach. It has been alleged that the accused persons, including the petitioner, some days prior to the occurrence, had threatened the deceased to kill.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He has submitted further that in paragraph 9 of the case diary it has been detected that the deceased had illicit relation with wife of Shivnath Choudhary and Shivnath Choudhary had threatened him. The learned counsel has also submitted that in paragraph 41 and 42 of the case diary the independent witnesses have categorically stated that the petitioner was not involved in the alleged occurrence. In the said paragraphs, the witnesses have also stated that the deceased Jagganath Rai had illicit relation with wife of Shivnath Choudhary.

On the other hand the learned APP has opposed the prayer for bail.

The independent witnesses did not name the present petitioner. It has come during course of investigation that the deceased had illicit relation with wife of co-accused Shivnath



Choudhary.

Considering the above-mentioned facts and circumstances, the petitioner above-named, in the event of his arrest or surrender, within four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VIII, Siwan in connection with Basantpur P.S. Case No. 242 of 2019, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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