

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41308 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- BARARI District- Katihar

1. Roshan Kumar Pandey Son Of Sri Sunil Pandey Resident Of Village- Chandpur, Ps- Barari, Distt- Katihar
2. Kundan Kumar Pandey Son Of Sri Sunil Pandey Resident Of Village- Chandpur, Ps- Barari, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40500 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- BARARI District- Katihar

Bablu Mehtar Son Of Late Badri Mehtar Resident Of Village-Mohna Chandpur, Ps- Barari, Distt- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41308 of 2023)

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

(In CRIMINAL MISCELLANEOUS No. 40500 of 2023)

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have prayed for regular bail in a

case registered for the offence punishable under sections

147, 148, 149, 341, 323, 307, 302, 201, 364, 386, 120B of



the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant, his son and other villagers had gone to Bhawanipur Diyara to graze their cattle. At about 10:30 a.m. the accused persons about 23 in numbers armed with deadly weapons came there and demanded extortion of Rs. 2000/- and they also threatened to kill, if demand will not be fulfilled. On protest, one Mona Thakur threatened to kill all of them. It is further alleged that they abducted informant's son and committed murder, after search three dead bodies including the informant's son were recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The petitioners are member of the mob and merely on the basis of suspicion they have falsely been implicated in this case. It is submitted that during investigation no one has stated specifically that the petitioners were armed with any weapons. The informant is not an eye witness of the alleged occurrence and no specific allegation levelled against the petitioners rather general and omnibus allegation levelled against them. It is further submitted that except suspicion no



consistent material has come out against the petitioners. The petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 07.12.2022, 06.01.2023 and 09.12.2022 respectively.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioners are named in the FIR.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioners on bail **after framing of charge, if not framed.** The above named petitioners are directed to be released on bail in connection with Barari P.S. Case No. 403 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Katihar.

(Sunil Kumar Panwar, J)

Manishkumar/-

U		T	
---	--	---	--

