

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41504 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- BRAHMPUR District- Buxar

Ram Ayodhya Pandey, aged about 66 years (Male), son of late Jagdish Pandey, resident of village- Jaypur, PS- Brahampur, Distt- Buxar, at Present Brahampur Chaurasta, PS- Brahampur, Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Brahampur PS Case No.154 of 2023 dated 19.03.2023, instituted for the offence punishable under Sections 302, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution story, in short, is that son of the informant has been murdered by gun shot injury in broad day light on 19.03.2023 at the morning hours in front of his house on account of land dispute. Allegation of firing is against Tarkeshwar Pandey. It is further alleged that the prior to the occurrence a meeting was held in which the petitioner was also present along with other co-accused. Thereafter, threatening was



given by brandishing firearms.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. Specific allegation is against Tarkeshwar Pandey that he caused firearm injury. There is general and omnibus allegation against the petitioner. It is further submitted that both the parties are agnates and the petitioner is a retired military personnel aged about 66 years. There is case and counter case between the parties. Counter case has been filed by Tarkeshwar Pandey, who has also received gun shot injury in the said occurrence. Petitioner has been made accused only because he is the full brother of Tarkeshwar Pandey and there is land dispute due to ancestral property. The petitioner is in custody since 20.03.2023 and charge-sheet has been submitted in the case. It is further submitted that earlier the petitioner was made accused in Brahampur PS Case No. 84 of 2007 in which he has been acquitted vide judgment and order dated 18.03.2021 and presently no criminal case is pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of the Chief Judicial Magistrate, Buxar,
in Brahampur PS Case No.154 of 2023.

(Khatim Reza, J)

J. Alam/-

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