

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46390 of 2023

Arising Out of PS. Case No.-161 Year-2020 Thana- BIDUPUR District- Vaishali

1. Jaynandan Pandey @ Jayan Pandey Son Of Babu Lal Pandey Resident Of Village - Mile, P.S. - Bidupur, Distt. - Vaishali
2. Pushplata Devi Wife Of Gautam Pandey Resident Of Village - Mile, P.S. - Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Soni

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in connection with Bidupur P.S. Case No. 161 of 2020 registered under sections 364, 302 and 34 of the Indian Penal Code.

Prosecution case relates to commission of murder of the informant's son, namely Rajeev Kumar after kidnapping him by the co-accused persons along with as alleged these petitioners.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted



that petitioner No.1 is 70 years old whereas the petitioner No.2 is lady. It is also submitted that the charge sheet has already been submitted in this case in which police has not found the allegation of kidnapping to be true and, therefore, Section 364 of the IPC has been removed and charge sheet has been submitted under Section 341, 342, 302 and 34 of the IPC. The real fact is that the informant's son came to the house of the petitioners with the intention to commit theft but the villagers came there and assaulted him due to which later on he died during the course of treatment. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 27.02.2023. Similarly situated other co-accused persons have already been granted bail by the different co-ordinate Bench of this Court vide Annexure-3 of this petition.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts that the petitioner No.1 is 70 years old whereas the petitioner No.2 is a lady and also their period of custody, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail



in connection with Bidupur P.S. Case No. 161 of 2020 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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