

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45171 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- DAWATH District- Rohtas

MANJEE PANDEY son of Late Shiv Dani Pandey Village- Deorhi Ps-
Dawath Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dineshwar Mishra, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP for the State.

The petitioner is apprehending arrest in connection with Dawath P.S. Case No. 172 of 2022 instituted under under Sections 147, 148, 149, 341, 323, 307 of the Indian Penal Code and section 27 of the Arms Act lodged on 30.7.2022 by the informant, Chhatu Pandey.

As per the prosecution story, the informant alleged that while his nephew Ram Narayan Pandey, Upendra Pandey and Harendra Pandey were going to see the paddy crops, the accused persons resorted to indiscriminate firing and allegation is that due to firing by Nagendra Pandey, it hit Vijayendra Pandey while the gun shot of Dhurhu Pandey, hit Vijayendra Pandey. Sheo Murti Pandey shot at Harendra Pandey while



allegation against this petitioner Manjee Pandey is of opening fire which hit Ram Narayan Pandey. Thereafter, the other accused persons assaulted causing injuries to the informant's side. Accordingly, the FIR.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, only allegation is that he opened fire which hit Ram Narayan Pandey.

He has taken this Court to the injury report of said Ram Narayan Pandey (which is Annexure-2 series) to show that all the injuries are from the hard and blunt substance and one of them on left forearm have been found to be grievous in nature and rest simple in nature.

It is his case that when no firearm injury has been found on the person of the Ram Narayan Pandey, so far as he is concerned, the allegation does not stand.

Learned APP opposes the prayer for bail that as per Sessions Judge record injuries to two persons have been recorded.

To this, learned counsel for the petitioner submits that admittedly, as stated above, two of the accused persons opened fire which hit the informant's side.

The allegation of this petitioner does not match with



the injury report.

Considering the fact that there is no fire-arm injury on the person of the Ram Narayan Pandey whom the informant has alleged to have been shot at by the petitioner, FIR lodged and ultimately will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Dawath P.S. Case No. 172 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Bikramganj, Rohtas subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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