

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43617 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- MURAR District- Buxar

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1. Uma Shankar Pandey Son of Late Shiv Parsan Pandey Resident of Village - Pokhraha, P.s.- Bagen Gola, Distt.- Buxar.
 2. Rakesh Rai Son of Sanjay Rai Resident of Village - Pokhraha, P.s.- Bagen Gola, Distt.- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Rathour, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 15-02-2023 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

The petitioners seeks bail in connection with Murar P.S. Case No.55 of 2021 registered for the offence under Sections 302, 342, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioners are named in the F.I.R. and is in custody since 24.04.2022.



The allegation against both the petitioners is to commit murder of the brother of informant alongwith other named co-accused persons by causing firearm injuries due to previous enmities arising out of long standing land disputes.

Learned counsel appearing on behalf of the petitioners submitted that petitioners have been falsely implicated in this case due to neighbourhood disputes and differences arising out of land disputes. It is submitted that from the bare perusal of the F.I.R. it can be safely gathered that fatal firearm injuries were caused by co-accused, namely, Vikrama Pandey and Ajay Pandey, whereas the bullet fired by the petitioner no. 2 hit the tyre of tractor standing nearby, whereas allegation of firing is not available against petitioner no.1. While concluding the argument, it is submitted that petitioner no.1 is involved in three more cases and petitioner no.2 is involved in one more case, where they both are on bail except Bagen Gola P.S. No. 100 of 2020 (para no.3 of the main bail petition) and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State duly assisted by learned counsel appearing on behalf of informant,



while opposing the prayer for bail pointed out that as per instructions petitioners are involved in more than three criminal cases as submitted through para no. 3 of the main bail petition.

In view of the facts and circumstances as mentioned above and by taking note of the allegations from the face of F.I.R. as allegation to cause fatal firearm injury is not available against these petitioners coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Murar P.S. Case No.55 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar/concerned court, subject to the further condition as mentioned u/S 437(3) of the Cr.P.C. It is further directed that :-

The learned Trial Court is directed to verify the available criminal antecedents of the petitioners while accepting the bail bond, and if it is found that petitioner no.1 found involved in more than three cases i.e., Bagen Gola P.S. Case No. 25 of 2017, Bagen Gola P.S. Case No. 26 of 2020 and Bagen Gola P.S. Case No. 100 of 2020 and



petitioner no.2 is found involved in more than one case i.e., Bagen Gola P.S. Case No. 100 of 2020, then their bail bonds shall not be accepted.

(Chandra Shekhar Jha, J.)

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