

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51722 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- GUTHANI District- Siwan

Abhay Pandey Son Of Vijay Pandey Resident Of Village Langarpura Ps
Mairwa, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 03-04-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 341, 323, 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per F.I.R is that the informant's husband and Umesh Tiwary were returning to their house and when they reached near Tekaniya Kuti, the petitioner and co-accused persons in connivance with each other attacked on them. It is alleged that co-accused Vijay Pandey and the petitioner



started firing from their pistols on the informant's husband indiscriminately. Co-accused Arvind Tiwary and Chhote Pandey also fired two shots at the husband of the informant. The injured was thereafter taken to the hospital where he was declared dead.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. There is land dispute between the parties. The postmortem report contradicts the version of the informant as mentioned in the F.I.R. The petitioner is languishing in custody since 27.06.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that there is specific allegation against the petitioner that he and other accused persons have indiscriminately fired upon the



husband of the informant, as a result of which, he sustained gunshot injuries and died. The postmortem report also corroborates the case of the prosecution. The independent witnesses have also supported the case of the prosecution.

Considering the fact that there is specific accusation against the petitioner, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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