

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54817 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- SHAMBHUGANJ District- Banka

1. AJAY KUMAR PANDEY S/O JAGAT NARAYAN PANDEY R/O VILLAGE- RUTPAI, PS., SHAMBHUGANJ, DIST. BANKA
2. SANJEEV KUMAR PANDEY @ ARVIND KUMAR PANDEY S/O JAGAT NARAYAN PANDEY R/O VILLAGE- RUTPAI, PS., SHAMBHUGANJ, DIST. BANKA
3. RAJIV KUMAR PANDEY S/O JAGAT NARAYAN PANDEY R/O VILLAGE- RUTPAI, PS., SHAMBHUGANJ, DIST. BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr.Ramchandra Sahni, APP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-12-2023 Heard learned counsel for the petitioners and learned APP for the State. Though vakalatnama is filed but nobody appears on behalf of the informant.

2. Petitioners are apprehending their arrest in connection with Shambhuganj P.S. Case No.77 of 2023, G.R. No.843 of 2023, registered for the offence punishable u/s 302/34 of IPC.

3. Allegedly the petitioners in association with other co-accused persons are said to have committed murder of the father of the informant by assaulting him with rod and stone.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence. They have been falsely implicated in this case due to ulterior



motive. No such occurrence in the manner as alleged has ever taken place. There is an admitted land dispute between the parties. There is no eye-witness to the alleged occurrence and on the basis that there was prior enmity between the parties, petitioners have been made accused in this case. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is allegation against the petitioners to commit murder of informant's father and the postmortem report shows that there were around 10 injuries on the body of deceased.

6. Considering the aforesaid facts and circumstances and the nature of allegation, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioners are at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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