

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70104 of 2022

Arising Out of PS. Case No.-488 Year-2022 Thana- ARA NAGAR District- Bhojpur

ABINASH PANDEY S/o Bharat Pandey R/o Village- Paharpur, P.S.- Bihiya,
Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeeva Roy, Sr. Advocate along with Mr. Sheo Jee Mishra, Mr. Akash Keshav and Ms. Akanksha Maurya, Advocates
For the Informant	:	Mr. Amit Anand, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan App, 156

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 19-09-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 302, 120B and 34 of
the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the informant's husband
was run an electronic shop. It is further alleged that some
unknown miscreants came at the shop of informant's husband
and shot him dead.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due to
dirty village politics. He has committed no offence. Petitioner is



not named in the FIR and the same has been lodged against unknown person. The name of the petitioner has come into light, on the basis of confessional statement of co-accused Md. Islam @ Kana, which has got no evidentiary value in the eyes of law. He submitted that the six cartridges allegedly recovered from the possession of the petitioner, even if presumed to be live (though not claimed so by the police) and was test fired from the country-made pistol allegedly recovered from the possession of the petitioner and the percussion mark/firing pin mark upon comparison with the fired bullet (marked as C) does not tally. It is clear that the fired bullet recovered from the place of occurrence was not fired from the country-made pistol which was recovered from the petitioner. There is no specific overt act against the petitioner. He is languishing in judicial custody since 23.06.2022.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Ara Nagar P.S. Case No. 488 of 2022.

(Sunil Kumar Panwar, J)

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