

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62776 of 2022

Arising Out of PS. Case No.-248 Year-2019 Thana- HUSSAINGANJ District- Siwan

Aditya Kumar Pandey @ Rishu Pandey, S/o Vidhya Shankar Pandey @
Munna Pandey, R/o Village- Dhamaikhor, P.S.- Asanwa, Distt- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 29-03-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 01.09.2021, the elder brother of the informant was present at his house and he received three phone calls on his mobile and thereafter he went to village Devpali on his motorcycle. Later on, the informant received phone call that one person has been killed and taken to Sadar Hospital, Siwan by the police. Later on, the photo was also sent to the informant's mobile when he identified as his elder brother, Kalyan



Dutt Pandey. The allegation is that a case was going on between Sangita Devi (daughter of deceased) and her in-laws and in the said case, the elder brother had to give evidence on 02.09.2019 and he was shot dead by two unknown miscreants.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner surfaced in this case during the course of investigation. The co-accused has already been granted anticipatory bail by the Coordinate Bench vide order dated 06.02.2023 passed in Cr. Misc. No. 57029 of 2022. The petitioner is accused in four criminal cases out of which he is on bail in two other cases as stated in para 3 of the bail petition. The petitioner is in custody since 09.12.2020.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Husainganj P.S. Case No. 248 of 2019 and the following conditions :-

1. One of the bailors shall be a close relative of the petitioner who



shall give genealogy as to how he is related to the petitioner.

2. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bonds is liable to be cancelled.

3. If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

The application stands allowed.

(Chandra Prakash Singh, J)

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