

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11085 of 2024

Arising Out of PS. Case No.-397 Year-2022 Thana- BARARI District- Katihar

Abbu @ Abhishek Pandey @ Abhishek Kumar Pandey Son Of Arvinda Pandey @ Guddu Pandey Resident Of Vill.-Mohna Chandpur, P.S.-Barari, Distt.-Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 386, 302, 120(B) of the Indian Penal Code and Section 27 of Arms Act.

Prosecution case in nutshell is that while the informant along with his sons Arvind Yadav and Rajesh Yadav was grazing his cattle, in the meantime, F.I.R. named accused persons, variously armed, came there



and on the order of co-accused Suman Kumar, co-accused Mohan Thakur and Awadhesh Yadav fired upon informant's son, namely Arvind Yadav due to which he succumbed to fire arm injuries.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Petitioner is not named in the F.I.R. His name sprang up during the course of investigation. At best, it can be said that petitioner is non assailant rather the allegation of shot fire to the deceased is levelled upon co-accused Mohan Thakur and Awadhesh Yadav. Moreover, the petitioner is languishing in judicial custody since 22.07.2023. Similarly situated co-accused person, namely, Nanda Ray @ Nandan Roy has been granted bail vide order dated 24.01.2024, passed in Cr. Misc. No. 2961 of 2023 by the co-ordinate Bench of this Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.



Having heard learned counsel for the parties and taking into consideration 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 in connection with Barari P.S. Case No. 397 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate III, Katihar.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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