

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45210 of 2024

Arising Out of PS. Case No.-209 Year-2021 Thana- MANIHARI District- Katihar

-
1. Ramesh Pandey, Male, aged about 72 years, son of Ramsinghashan Pandey,
 2. Om Prakash Roy @ Munna Roy, aged about 53 years, son of Vasudev Ray,
 3. Dayanand Tiwari, Male, aged about 49 years, son of Jagarnath Tiwari,
 4. Munna Pandey @ Vikas Pandey @ Vikash Kumar Pandey, aged about 39 years, son of Ramesh Pandey,
All R/O Village- Bakharpur, P.S.-Bakharpur, Distt- Bhagalpur, Bihar
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Manihari PS Case No.209 of 2021 dated 28.09.2021, instituted under Sections 147, 148, 149, 353, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on the alleged date of occurrence the informant along with other police personnel was on patrolling duty and when the police personnel reached at Baijnathpur, 9-10 unknown person reached there and started firing. The informant and police personnel also made cross firing in self defence. Thereafter, all the miscreants fled



away crossing *Ganga* river by boat.

4. Learned counsel for the petitioners submits that they are innocent and have been falsely implicated in this case. It is further submitted that the name of the petitioners have come after 1½ years of the said occurrence. No material evidence is available in the case diary to connect the petitioners with the alleged crime. It is further submitted that nothing incriminating has been recovered either from the possession or from the house of the petitioners. Petitioner no.1 is aged about 72 years. It is also submitted that the reason for false implication of the petitioners is that the wife of the petitioner no. 3 is a social worker and she was elected twice as Ward Member of Ward No.2 and her rival candidate, who is neighbour of the petitioner no.3, planned to implicate the petitioner no. 3 and his supporters. Lastly, it is submitted that the petitioner nos. 1, 2 and 4 have clean antecedents, whereas, three cases are pending against petitioner no. 3.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar, in Manihari PS Case No.209 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

U		T	
---	--	---	--

