

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53568 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- BIHIA District- Bhojpur

SAHDEV PANDEY @ PANDIT S/O RAMESHWAR PANDEY R/O
VILLAGE- KHARAUNI, P.S- BIHIYA, DISTT.- BHOJPUR AT ARA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54952 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- BIHIA District- Bhojpur

Vinay Kumar Sinha @ Chhotu Son of Arun Kumar Sinha Resident of village
- Kharauni, P.S.- Bihiya, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73519 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- BIHIA District- Bhojpur

Rameshwar Pandey S/o- Late Kedar Nath Pandey Village- Kharuni , P.s.
Bihiya, District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53568 of 2024)

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

For the informant : Mr. Kumar Gautam, Advocate

(In CRIMINAL MISCELLANEOUS No. 54952 of 2024)

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

For the Opposite Party/s : Mr. Manoj Kumar, APP

For the informant : Mr. Kumar Gautam, Advocate

(In CRIMINAL MISCELLANEOUS No. 73519 of 2024)

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

For the informant : Mr. Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-10-2024

1. Heard learned counsel for the parties.



2. The petitioners have preferred this application for grant of regular bail in connection with Bihiya P.S Case no.257 of 2023 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that while he was sitting at his agricultural land, ten named accused persons including the petitioner came. On the orders Shyamakant Verma and Amar Kumar Sinha, Amar Kumar Sinha fired from his pistol hitting his brother. Thereafter while Amar Kumar Sinha caught hold of the informant, Shyamakant Verma caught Vishnu Kumar Pandey. It is further stated that Bipin Kumar Sinha fired on Shamsheer Jung while Saurabh Kumar Sinha attempted to fire on the informant but the informant caught hold of his hand as a result of which the fire went in the air. Shamsheer Jung died in the occurrence.

4. Learned counsel for the petitioners Sahdev Pandey and Rameshwar Pandey submits that the petitioners have been falsely implicated in the case. It has incorrectly been stated that Sahdev Pandey fired upon Vishnu Kumar Pandey. In any case of the matter the shot is said to have missed. The petitioners are in custody since 3.5.2024 and 7.5.2024 respectively and charge-sheet has been submitted in the case.



With respect to Rameshwar Pandey jumping over the dead body of Shamsheer Jung it is submitted that the same is a false and concocted story.

5. Learned counsel for the petitioner Vinay Kumar Sinha submits that no overt act has been alleged against this petitioner and he has been falsely implicated in the case. The allegations of firing is against Bipin Kumar Sinha, Saurabh Kumar Sinha and Sahdev Pandey. The allegation against this petitioner is of jumping over the dead body of Shamsheer Jung to ensure/verify that he is dead. It is submitted that the same is false and incorrect. This petitioner is in custody since 18.5.2024.

6. The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioners are named in the FIR but there is direct allegation against them of having actively participated in the occurrence. While Sahdev Pandey fired upon Vishnu Kumar Pandey, however, luckily it missed; Rameshwar Pandey and Vijay Kumar Sinha jumped over the dead body of Shamsheer Jung to ensure that he had died.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the



petitioners Rameshwar Pandey and Vinay Kumar Sinha in the FIR, the Court is not inclined to enlarge these two petitioners on bail and their application is rejected.

8. It is submitted by learned counsel for the informant that charge has been framed in the learned trial Court on 28.8.2028.

9. Learned trial Court is directed to expedite the trial and to conclude the same at the earliest.

10. Liberty is granted to these two petitioners to renew their prayer for bail in case the trial is not concluded within a period of one year.

11. In the facts and circumstances of the case, the petitioner, Sahdeo Pandey, is directed to be enlarged on bail in connection with Bihiya P.S Case no.257 of 2023 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-V, Bhojpur, Ara.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

