

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53142 of 2024

Arising Out of PS. Case No.-169 Year-2022 Thana- GUTHANI District- Siwan

Abhay Pandey Son of Vijay Pandey R/O Vill.- Langarpur, P.s.- Mairwan,
Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar Patha

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, S. Adv. Mr. Saroj Kr Choudhary, Adv. Mr. Amresh Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with S. Tr. No. 646 of 2022 arising out of G.R. No. 2707 of 2022, Guthani P.S. Case No. 169 of 2022 dated 26.06.2022 registered for the offences punishable u/ss 341, 323, 302, 120B read with section 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant's husband and Umesh Tiwari were returning to their house and when they reached near Tekaniya Kutti, the petitioner and the co-accused persons in connivance with each other attacked them. It



is further alleged that the co-accused Vijay Pandey and the petitioner started firing from their pistols on the informant's husband indiscriminately. The co-accused Arvind Tiwari and Chhote Pandey also fired two shots at the husband of the informant. The injured was thereafter taken to the hospital where he was declared dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that earlier the bail application of the petitioner has already been rejected by the co-ordinate Bench of this Court vide order dated 05.01.2024 passed in Cr. Misc. No. 74929 of 2023 with direction to the learned trial court to conclude the trial within a period of six months positively, failing which, the petitioner will be at liberty to renew his prayer of bail. It is further submitted that as per letter No. 216 dated 03.08.2024, out of nine charge-sheeted witnesses, only seven witnesses have been examined till date. As per postmortem report, cause of death is hemorrhage and shock due to fire arm injuries. There is general and omnibus allegation against the petitioner. The petitioner has one criminal antecedent which is not related to the offence of murder as stated in para 3 of the bail petition. The petitioner is in custody since 27.06.2022.



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

6. 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 S. Tr. No. 646 of 2022 arising out of G.R. No. 2707 of 2022, Guthani P.S. Case No. 169 of 2022, with the following condition/s:-

(i) 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, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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