

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56011 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- KATHAIYA District- Muzaffarpur

Anand Pandey S/O Late Shivnath Pandey R/O Village-Jasauli,P.S.-Kathaiya,
Distt-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024

Heard Mr. Santosh Kumar, learned counsel for

the petitioner and Mr. Sanjay Kumar Singh, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
01.04.2023, in connection with S. Tr. No. 555 of 2023 arising
out of Kathaiya P.S. Case No. 42 of 2023, FIR dated 31.03.2023
registered for the offence under Sections 302 and 34 of the
Indian Penal Code.

3. As per the prosecution case, the daughter of the
informant has been killed by the petitioner and other co-accused
persons.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and he has falsely been implicated in this case merely
on the ground that the petitioner is husband of the deceased. He
further submits that the allegation as alleged in the FIR is false



and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that co-accused person, namely, Ashutosh Kumar @ Ashutosh Pandey, against whom the allegation that he has assaulted to the deceased, has been granted bail by a co-ordinate Bench of this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 11052 of 2024.

5. Learned A.P.P. for the State, on the other hand, vehemently opposes the prayer for bail of the petitioner and submits that the statement of one Anushka Kumari has been recorded under Section 164 Cr.P.C. in which she has categorically stated that with a common intention the petitioner and other co-accused persons have committed the murder of the deceased, Anushka Kumari is daughter of the petitioner.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with S. Tr. No. 555 of 2023 arising out of Kathaiya P.S. Case No. 42 of 2023 pending in the Court of learned Additional Sessions Judge-X, Muzaffarpur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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