

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6625 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- BRAHMPUR District- Buxar

Sanjay Pandey Son Of Ram Ayodhya Pandey Resident Of Village- Jaypur, Ps-
Brahmpur, Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mr. Vaishnavi Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Brahampur P.S. Case No. 154 of 2023, registered on 19.03.2023, for the alleged offence under Sections 302, 120(B)/34 of the Indian Penal Code.

03. As per prosecution case, son of the informant was shot dead by co-accused Tarakeshwar Pandey. The informant has further alleged that two days prior to the occurrence, the petitioner and other co-accused persons participated in a meeting and threatened the family members of the informant using firearms.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.



From bare perusal of the FIR, it is apparent that allegation is against co-accused Tarakeshwar Pandey. Prior to the occurrence, on 14.03.2023, when the co-accused Tarakeshwar Pandey was cleaning the outside area of his house, the son of the informant came and threatened him and thereafter son of the informant opened fire in which co-accused Tarakeshwar Pandey sustained injury and he was taken to Hospital where his *fardbeyan* was recorded and on the basis of which Brahampur P.S. Case No. 161 of 2023 was registered under Sections 307, 504, 506/34 of the IPC and Section 27 of the Arms Act. Learned counsel further submits that there is no allegation against the petitioner that he was either armed or threatened the informant or her family members. On the date of occurrence mentioned in the FIR, the petitioner was not even present. The dates and events of the case are also dubious since the occurrence allegedly took place on 19.03.2023 at 7:00 AM and the FIR has been registered on 19.03.2023 at 18:15 hours. However, recovery of rifle, cartridge and cash were shown at 15:30 hours on 19.03.2023 and the seizure list have been prepared at 17:30 hours on the same date. It is apparent that investigation started in the matter prior to submission of the written report. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for



anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation against the petitioner without any substantive material, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/concerned court in connection with Brahmpur P.S. Case No. 154 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U			
---	--	--	--

