

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28803 of 2025

Arising Out of PS. Case No.-158 Year-2024 Thana- MAIRWAN District- Siwan

Mukesh Pandey, S/o Late Raj Mangal Pandey, R/o Village- Kumhati, Bhituli,
P.S.- Darauli, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Mairwa P.S. Case No.158 of 2024 registered under Sections 147, 341, 342, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per FIR, the petitioner along with other co-accused persons opened fire upon the informant, where the firing made by one of the co-accused namely, Lakki Tiwari alleged to hit the informant's head.

4. It is submitted by Mr. Ansul, learned senior counsel appearing for the petitioner that the main co-accused



Lakki Tiwari against whom the allegation of firing and to cause bullet injury is available was granted anticipatory bail by one of the learned co-ordinate Bench of this Court vide order dated 28.02.2025 as passed in Cr. Misc. No.85219 of 2024, considering that the alleged injury upon medical examination of injured was not found caused by firearm. It is submitted that admittedly the firing of petitioner was not hit to the informant. It is submitted that petitioner found involved in ten more criminal cases, where he is on bail and merely on the basis of criminal antecedents, the prayer of bail of petitioner ordinarily should not be denied, if merit of case and judicial parity appears in his favour. In support of his submission, learned senior counsel has relied upon the legal report of Hon'ble Supreme Court as passed in the matter of **Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648]**.

5. Learned APP opposed the prayer for bail.

6. In view of aforesaid factual submissions and by taking note of fact, as alleged injury upon medical examination not found caused by firearm, coupled with the



fact that main co-accused, namely, Lakki Tiwari was granted anticipatory bail by one of the learned co-ordinate Bench of this Court, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail 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, Siwan in connection with Mairwa P.S. Case No.158 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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