

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48218 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- SANGRAMPUR District- East
Champaran

Vivek Kumar Pandey Son of Nawal Kishore Pandey R/O Vill.- Babh Nauli,
P.S.- Govindganj, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 72183 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- SANGRAMPUR District- East
Champaran

Prabhunath Pandey S/O Late Hari Pandey R/O- Ghoriyar, P.S- Sangrampur,
District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 48218 of 2024)
For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP
(In CRIMINAL MISCELLANEOUS No. 72183 of 2024)
For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

6 18-01-2025 **Re:- Cr. Misc No. 48218 of 2024**

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Sangrampur P.S Case No. 316 of 2023 registered for the



offences punishable under Sections 302, 34 of the I.P.C and Section 27 of the Arms Act.

3. As per prosecution case, it appears that this petitioner is named accused in the F.I.R. and there is allegation in the F.I.R. that on 05-09-2023 at about 08:35 A.M. the informant's brother, namely, Anish Kumar informed to informant that accused Muuna Pandey and Vivek Pandey (this petitioner) are going to the house of accused Prabhunath Pandey and they also called him there to settle their account. Thereafter, at about 09:01 A.M. the brother of informant informed to informant that he had proceeded to the house of accused Prabhunath Pandey and he will talk to him later, as he was riding motorcycle, Thereafter at about 03:00 P.M. the informant came to know that all the F.I.R. named accused including this petitioner-accused in criminal conspiracy with each other have committed murder of his brother by firing and stabbing knife at the house of this petitioner-accused.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It is further submitted that informant is not eyewitness but only stated in FIR. It is further submitted that no recovery has been made from the conscious possession of the petitioner. It is further submitted



that name of the petitioner surfaced from the confessional statement of the co-accused. It is also submitted that petitioner is in judicial custody since 13.03.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M, Motihari in connection with Sangrampur P.S Case No. 316 of 2023.

Re:- Cr. Misc. No. 72183 of 2024

Let a report as regard to stage of trial and how much time is required to conclude the trial be called for in connection with Sangrampur P.S Case No. 316 of 2023 pending in the Court of learned 20th Additional Sessions Judge, East Champaran at Motihari and list this case on 14.02.2025.

(Ramesh Chand Malviya, J)

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