

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83641 of 2024

Arising Out of PS. Case No.-230 Year-2024 Thana- JAGDISHPUR District- Bhojpur

Dharmendra Pandey @ Ghutur, Son of late Gauri Pandey @ Late Gauri Shankar Pandey, resident of village – Sondhi, P.S. Jagdishpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 80950 of 2024

Arising Out of PS. Case No.-230 Year-2024 Thana- JAGDISHPUR District- Bhojpur

Munna Tatwa @ Munna Prasad son of Late Sakal Tatwa @ Ram Sakal Tatwa @ Ram Sakal Ram @ Late Ramsakal Prasad, resident of village – Hatpokhar, P.S. Jagdishpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 83641 of 2024)
For the Petitioner/s : Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP
(In CRIMINAL MISCELLANEOUS No. 80950 of 2024)
For the Petitioner/s : Mr.Diwakar, Advocate
Mr. Shivam Kumar, Advocate
Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4. 04-03-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a



case registered for the offence punishable under sections 137 (2), 103 (1), 3 and 3 (5) of the B.N.S.

3. The case of the prosecution is that on 05.07.2024, the informant has come at his matrimonial house with his son Dhallu Kumar and on the very next day, Dhallu Kumar and Dharmendar Pandey @ Ghatur (the petitioner herein) were demanding articles on credit from Rajesh Kumar, the brother-in-law of the informant. When Rajesh Kumar objected, both of them started abusing and threatening him of dire consequences. It is further alleged that these two persons have kidnapped the minor son of the informant. He searched too much of his son and when he asked from this petitioner, Dharmendra Pandey @ Ghatur, he told that the boy has been given food and he made to sleep. It is further alleged that the petitioner says that if some cash is given then the boy will be handed over to him. Thereafter, dead body of his son was recovered.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in connection with the present case. In this case, there is no eye witness of the occurrence. Only one thing has come that the petitioners had threatened the brother-in-law of the informant of dire consequences. There is nothing on record to show that anybody



has seen the alleged occurrence. From perusal of the post-mortem report, it transpires that regarding cause of death, opinion is reserved till receiving of *viscera* chemical analysis from foreign science. Report of FSL has been received and from perusal of report, it is clear that no metallic, *Alkaloidal*, *glycodisal*, *pesticidal* and *volatile* poison could be detected in the contents. It means that poisoning has been ruled out by the FSL report. No ante-mortem injury was seen on the person of the deceased. It is further submitted that both the petitioners were arrested in the excise case on the same day and they were released after payment of fine. From perusal of the entire materials, it is clear that nothing incriminating has been brought by investigating agency. Moreover, the petitioners are languishing in judicial custody since 09.07.2024 and 24.07.2024 respectively.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Jagdishpur P.S. Case No. 230 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned 1st
Additional Chief Judicial Magistrate, Bhojpur at Ara/concerned
Court.

(Ashok Kumar Pandey, J)

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