

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.107 of 2025

Arising Out of PS. Case No.-259 Year-2024 Thana- KOTWA District- East Champaran

Suresh Kumar Pandey @ Suresh Pandey Son of Late Rambilash Pandey
Resident of Village - Bangra, P.S. - Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 16-05-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kotwa P.S. Case No. 259 of 2024 registered for the offences under Sections 191(2), 190, 109(1), 103(1) and 118(1) of BNS and 27 of the Arms Act.

3. The prosecution story in short is that one Pintu Pandey submitted a written report stating therein that on 20.09.2024 the petitioner along with other FIR named accused and ten unknown persons variously armed with Pistol, Rod, Lathi etc., came to the place where the informant along with other co-villagers were present for a panchayati. It has been alleged therein that on the orders of



one Ram Kripal Pandey, Suresh Pandey (petitioner), Ranjan Pandey and Arun Pandey took a double-barrel gun and a country-made pistol in their hands and when one person namely Manish Mishra tried to pacify the matter, the petitioner is alleged to have shot him by his licensed gun on his chest upon which he fell down and died. It has further been alleged that Ranjan Pandey fired from his pistol which hit Abhishek on his neck and forehead while Arun Pandey shot Abhiranjan by his country made pistol injuring Abhiranjan. The villagers came and on seeing them the miscreants ran away firing in the air.

4. Learned Senior Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and from mere perusal of the FIR, it is evident that there is general and omnibus allegation of firing by many accused persons. The learned counsel for the petitioner has stated that the informant is not an eye witness as from the averment made in the FIR it is stated that the petitioner had fired on the chest of the deceased Manish Kumar, however, when the postmortem report is taken into consideration the entry wound has been shown to be on the



back of the deceased while the exit wound on the front and thus, it is clear that the informant had not seen the occurrence and only by seeing the wounds on the dead body of the said Manish Kumar, it has been alleged that the petitioner had fired on the chest of the deceased which falsifies the prosecution case. The learned counsel has further submitted that there is land dispute between the parties and the petitioner and others have been falsely implicated by the informant to the said dispute. The learned counsel has also submitted that the father of the deceased Manish Kumar had also lodged a separate FIR being Kotwa P.S. Case No. 260 of 2024 in which the present informant namely Pintu Pandey has also been made an accused. Learned counsel has also pointed out that the inquest report as well as the postmortem report were prepared prior to lodging of the formal FIR on the basis of a written report of the informant. Lastly, it has been submitted that the petitioner has no criminal antecedent apart from the other case which was lodged by the father of the deceased Manish Kumar being Kotwa P.S. Case No. 260 of 2024 and he is in custody since 24.09.2024.



5. The learned counsel for the informant has opposed the prayer for bail and has stated that not only the FIR but even during the course of investigation several witnesses have categorically stated that it was Suresh Pandey who had shot on the said deceased Manish Kumar. It has also been submitted by learned counsel for the informant that the antemortem injury corroborates with the statements made by the informant as well as the witnesses. The learned counsel for the informant has lastly submitted that the licensed gun of the petitioner was also recovered on the statement given by the petitioner to the police and the same was found to be kept in the garage. He has thus submitted that the petitioner being the main assailant, does not deserve the liberty of bail.

6. The learned APP for the State has supported the arguments forwarded by the learned counsel for the informant and has added that the allegation upon the petitioner finds corroboration from the postmortem report and even from the FIR lodged by the father of the deceased Manish Kumar.

7. Considering the aforesaid submissions made by



the parties and taking into account the statement made by the informant in the FIR stands corroborated by the injuries sustained by deceased Manish Kumar, I am not inclined to enlarge the petitioner on bail.

8. The application is dismissed.

(Sourendra Pandey, J)

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