

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64025 of 2025

Arising Out of PS. Case No.-199 Year-2023 Thana- JALALPUR District- Saran

Rahul Kumar Pandey @ Rahul Pandey @ Sonu Pandey S/o Ranvijay Pandey
R/o Village- Nehru Chaok, P.S.- Chapra Town, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Jharkhandi Upadhyay- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 08-01-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 302/ 34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The S.H.O. and the Investigating Officer of the
case, in compliance of the order dated 08.12.2025, are present in
the Court.

4. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that accused persons were demanding Rs.2
Lacs from his mother, on refusal, Ranvijay Pandey gave orders
to kill, on which Rahul Kumar Pandey (petitioner) shot his



mother causing injury on chest while Rohit Pandey fired at the informant but missed. Further, his mother died during the course of treatment.

5. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant has tried to give an impression that three accused persons i.e. Ranvijay Pandey, Rahul Pandey and Rohit Pandey came to his house and Ranvijay Pandey started demanding extortion of Rs.2 Lacs from his mother and on refusal, he gave orders to kill based on which, Rahul Kumar Pandey (petitioner) fired causing death of the mother of the informant during the course of treatment, but then, it is submitted that Ranvijay Pandey is own brother of the informant and petitioner and Rohit Pandey are his own nephew and are having dispute relating to property. It is further submitted that the entire family members have been implicated i.e. Ranvijay Pandey as an order giver, petitioner as an assailant and Rohit Pandey is alleged to have fired at the informant but missed.

6. The learned counsel for the petitioner submits that merely because petitioner is alleged to be main assailant, if that persuades the Court not to grant the privilege of anticipatory bail, in that event, the same would amount to travesty of justice



as the facts of the case also needs to be appreciated. It is further submitted that the deceased is own grandmother of Rahul Kumar Pandey, but then, informant, for reasons best known, has not disclosed the said relationship in the FIR rather has given an impression as if, criminals were demanding money and on refusal, the occurrence was committed. It is next submitted that the deceased was staying with the informant and it may be a possibility that the occurrence took place in some other manner and the informant took the same as an opportunity to implicate the entire family of his brother in order to coerce him into submission or else the informant would have disclosed in the FIR itself that petitioner being his own nephew killed his own grandmother.

7. The learned counsel for the petitioner next submits that the case was taken up on 24.09.2025 when the aforesaid order was recorded based on which the S.H.O. and the Investigating Officer of the case were directed to remain physical present before the Court on 09.10.2025. It is next submitted that on 09.10.2025, the S.H.O. and the Investigating Officer of the case were present in the Court and it was submitted that they had joined recently, as such, they sought sometime. Accordingly, the case was directed to be listed on



08.12.2025 and the interim protection granted to the petitioner was continued, but the police was not barred from investigating the case and the S.H.O. and the I.O. of the case were directed to remain physically present before this Court on 08.12.2025 at 2.15 P.M. It is next submitted that the S.H.O. and the Investigating Officer of the case, in compliance of the order dated 09.10.2025, were present in the Court on 08.12.2025 and it was specifically submitted by them that the side of the informant is not cooperating in the investigation, thus had sought some more time. Accordingly, the case was directed to be put up on 08.01.2026 i.e. today.

8. Today, when the case is taken up, the S.H.O. and the Investigating Officer of the case, who are present in the Court submitted that the side of the informant still is not cooperating in the investigation. It is next submitted that after the occurrence, the further statement of the informant was recorded wherein he had stated the same facts as alleged in the FIR, but after the case was taken up by this Court, the statement of the informant was again recorded on 15.12.2025, wherein for the first time, the informant disclosed the relationship of the accused persons including the petitioner with the deceased. It is further submitted that during the course of investigation the



statement of independent witnesses were also recorded, but then, they have not alleged against the petitioner and his family members

9. The learned counsel for the petitioner, at this stage, reiterates and submits that the petitioner, being own nephew of the informant, has been falsely implicated in the instant case with his entire family in order to coerce his father into submission so that the property dispute in between the parties is resolved under coercion. It is also submitted that what is not in dispute rather stands admitted is that grandmother of the petitioner was killed, but then, who killed her and under what circumstance are an aspect of investigation. It is next submitted that no doubt, petitioner is alleged to be the assailant of the deceased, but then, as submitted and recorded herein above the informant being his own uncle implicated him falsely. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

10. Learned A.P.P. after perusing the case diary is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that during the course of investigation, no independent witnesses have alleged anything against the petitioner and his family members and that



petitioner is own grandson of the deceased, but then, submits that petitioner has not approached this Court with clean hands. It is submitted that at Para-3 of the anticipatory bail application, it is pleaded that petitioner is a person with clean antecedent when he has antecedent of one case, on which the learned counsel appearing on behalf of the petitioner submits that the deponent of the case may not be aware of the pending case against the petitioner, but then, that in itself should not be a ground for rejecting the anticipatory bail application of the petitioner when the allegation and the circumstance in which the FIR came to be instituted is not inspiring confidence.

11. After hearing the learned counsel for the parties, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Jalalpur P. S. Case No.199 of 2023, subject to the conditions laid down under Section 482(2) of the B.N.S.

12. The application stands allowed.



13. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

14. It is further made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

15. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

16. The personal appearance of the S.H.O. and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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