

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27669 of 2020

Arising Out of PS. Case No.-410 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

Vishal Pandey @ Atul Pandey Son of Jitendra Pandey Resident of Village-
Belwa Brit, P.S.- Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Opposite Party/s : Mr.Narsingh Tanti,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 21-10-2020 Heard learned counsel for the petitioners as well as
learned A.P.P. for the State through video conferencing.

This relates to grant of bail to the petitioner in
Kuchaikote P.S. Case No. 410 of 2019, registered for the
offence under Sections 302, 120(B)/34 of the Indian Penal
Code and Section 27 of the Arms Act.

As per the prosecution case, 11 months ago, one
Guddu Ansari, Bashir Miya and other accused had killed
informant's uncle and informant's brother, for which, a case was
lodged i.e. Kuchaikote P.S. Case No. 07/2019. It is further
alleged that about 15 days ago, family members of Guddu
Ansari put pressure to compromise the aforesaid case and
offered Rs. Five lacs and five *katha* land, but his father refused
to do so, then the accused persons became angry and threatened



with dire consequences. On 27-11-2019, while the informant and his father were returning from the court and reached at Ishuapur road, co-accused Bashir Ansari (Bahnoi of Guddu Ansari) and three unknown co-accused stopped them forcibly and thereafter, Bashir Ansari and Guddu Ansari fired from their pistol on informant and his father, in which, informant's father sustained bullet injury and he was being taken to hospital, but on the way, he died.

It is submitted on behalf of petitioner that petitioner is not named in the FIR. Through, the informant is the eye-witness to the occurrence, but in the FIR, seven known and three unknown persons were made accused. It is further submitted that specific allegation of firing on the deceased has been alleged against co-accused Bashir Ansari and Guddu Ansari. It is further submitted that name of the petitioner has come on the basis of self-confessional statement made in connection with Gopalganj Town P.S. Case No. 669 of 2019. It is also submitted that similarly situated co-accused Pawan Tiwari has been granted bail by this Court, vide order dated 26-06-2020 passed in Cr.Misc. No. 19569 of 2020 (Annexure -2). Chargesheet has already been submitted in this case and petitioner is in custody since 24-12-2019.



Considering the aforesaid facts and circumstances, the
bail application of petitioner is allowed.

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.-VII, Gopalganj in connection with Kuchaikote P.S.
Case No. 410 of 2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial
and shall be properly represented on each and
every date fixed by the Court and shall remain
physically present, as directed by the Court and
on his absence on two consecutive dates
without sufficient reason, his bail-bond shall be
cancelled by the Court below.

(2) If the petitioner tampers with the
evidence or the witnesses, in that case, the
prosecution will be at liberty to move for
cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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