

Court of Sessions Judge, Jamui.
S.T.No.163/2021

- 16.8.2021
1. The bail petition dated 10.8.2021 filed on behalf of petitioner **Bibhuti Pandey** who is in custody since 22.4.2021 in connection with **Laxmipur P.S.Case No.436/2020 U/s. 147,148,149,341,342,387,324, 307,504 of the I.P.C.,and 27 of Arms Act** pending before this court vide S.T.No.163/2021 is pressed today.
 2. Heard Sri Alok Kumar ,the learned counsel for the petitioner and the learned P.P.for the State in virtual mode.
 3. The submission for bail is that petitioner is quite innocent,and has not committed any offence. He has been falsely implicated in this case at the instance of mischief mongers of locality,and allegation as alleged against him is totally false and concocted. There is no specific allegation against this petitioner. As a matter of fact,nothing has been recovered from conscious or physical possession of the petitioner. This petitioner has no concern with the alleged occurrence. He is in custody since 22.4.2021.
 4. The learned P.P.has opposed the prayer for bail.
 5. As per written application of informant Parmanand Mishra, the prosecution case, in short, is that wife of informant namely Bhawani Devi is Deputy Mukhiya of Media Panchayat,and a work was going on under the scheme of Mukhya-mantri 7 Nishchay Yojana in the supervision of elder son of informant. It has been further alleged that the accused persons including the petitioner who are noted criminal started demanding Rangdari of Rs.one lakh and they also threatened to kill in case of non-fulfillment of Rangdari demand,and on 6.12.2020 at about 5.30 P.M.when informant was coming towards his house alongwith his son,and as soon as they reached near the house of Gopali Lal, all the accused persons were assembled there from before,and Sonu Pandey said that Bambamwa Sala has come, finish it,and accused persons namely Bhibhuti Pandey (**petitioner**), Rajesh Pandey and Sonu Pandey caught the son of informant,and Pinku Pandey shot fired over Panjra of son of informant namely Bambam and due to which, Bambam received injury in his Panjra,and he fell down on the earth, and thereafter, one more fire was opened on the person of

son of informant, but by the grace of God, which did not hit him, and on hulla, when near by people assembled, accused persons fled away making firing. It has been further alleged that son of informant was brought to sadar hospital, Jamui in serious condition, and from where, he was referred to Patna for better treatment.

6. Perused the record and case diary. It appears that in para 3 of case diary, restatement of informant has been mentioned, in which, he has fully supported the prosecution case as well as manner in which, accused persons committed occurrence. In para 6, 7, 16, and 17 of case diary, statement of other witnesses including the injured have been mentioned, in which, they all have supported the prosecution case. In para 67 of case diary, criminal antecedent of the petitioner has been mentioned which shows that accused/petitioner is wanted in altogether 5 criminal cases of similar nature, rather graver nature. Besides this, in para 68, 69, and 70 of case diary, the criminal antecedent of other co-accused persons has also been mentioned which shows that accused/petitioner and his companion are habitual offenders. From perusal of record, it appears that in this case, charge has been framed against the accused/petitioner on 7.8.2021, and trial of the case is going on.

7. Considering the above facts, and circumstances of the case as well as manner of occurrence and criminal antecedent of accused/petitioner, I am not inclined to release the petitioner on bail, and accordingly, his prayer for bail is rejected.

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