

Shambhu Pandey vs The State Of Bihar on 10 January, 2022

Author: Satyavrat Verma

Bench: Satyavrat Verma

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33043 of 2021
Arising Out of PS. Case No.-175 Year-2020 Thana- DURAULI District

=====

SHAMBHU PANDEY S/o Late Dhakun Pandey @ Sachida Nand Pandey
Resident of Village- Rampunak, P.S.- Darauli, District- Siwan.

... ..

Versus

The State of Bihar

... .. Opposit

=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 10-01-2022

Heard Shri D.K. Sinha, learned Senior Counsel for the petitioner, Shri Ranjeet Kumar Pandey, learned counsel for the informant and learned A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with Darauli P.S. Case No. 175 of 2020 instituted for the offences under Sections 341, 323, 337, 354, 376, 511, 504, 506/34 of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act, 2012 but charge sheet came to be submitted under Sections 341, 323, 307, 302, 354, 354(A), 354(B), 376, 511, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.01.2021 and charge-sheet has Patna High Court CR. MISC. No.33043 of 2021(3) dt.10-01-2022 been submitted in this case.

The Court was, prima facie, of the view to grant bail to the petitioner as similarly situated co-accused has been granted bail and in para 3 of the bail petition, it was specifically pleaded that petitioner has antecedent of one case and the impugned order by which his bail was rejected inadvertently record that petitioner has antecedent of seven cases.

Before the order could be dictated since the Court is being held in virtual mode, Shri Ranjeet Kumar Pandey learned counsel for the informant appeared and submitted that the pleadings made in para 3 of the bail petition is incorrect and is a false statement. The case diary at para 118 clearly records that there are seven cases against this petitioner.

Shri D.K. Sinha, learned Senior Counsel for the petitioner rebuts the submission made by the learned counsel for the informant and submits that as on date only one case is pending against the petitioner and the cases which are mentioned in the case diary either in those the petitioner has been acquitted or has not been sent up for trial and for which he seeks two week's time for filing a supplementary affidavit for bringing on the record the fact that petitioner either has been acquitted or not sent up for trial in the aforesaid cases which are Patna High Court CR. MISC. No.33043 of 2021(3) dt.10-01-2022 mentioned in para 118 of the Case diary.

Put up this case on 24.01.2022.

(Satyavrat Verma, J) Kundan/-

U T