

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35256 of 2015

Arising Out of PS.Case No. -234 Year- 2013 Thana -AKBARPUR District- NAWADA

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1. Kuldeep Pandit @ Bhutali Pandit Son of Late Burdi Pandit Resident of Village Purnai, P.S. Govindpur, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Uday Chandra Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 14-12-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Akbarpur P.S. Case No. 234 of 2013 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Allegedly, to grab property, the sister and brother-in-law of the informant were killed by FIR named accused persons including the petitioner by cutting with axe. During investigation witness Shyam Sundar Pandit in paragraph 9 of the case diary has stated that after the occurrence the petitioner and Shiv Nandan Pandit were standing and co-accused Ramautar Pandit was fleeing with axe and his brother Kailash Pandit was also fleeing away.

Submission is of false implication and that the

occurrence has not taken place in the manner as alleged by the informant, co-accused Ramautar Pandit was living in the house of deceased, the petitioner has got no concern rather the petitioner had gone to save the deceased and he has been wrongly implicated in this case.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner was also seen by the witnesses fleeing away after the occurrence and all the accused persons were involved in killing of the deceased. The trial is going and it is likely to be concluded in near future.

In the facts and circumstances stated above, considering that the petitioner was not seen with any weapon rather specifically it has come that co-accused Ramautar Pandit was seen with axe fleeing away after the occurrence and the petitioner is suffering in custody since 17.06.2014, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No. 234 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient

immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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