

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58898 of 2017

Arising Out of PS.Case No. -533 Year- 2017 Thana -KHAZANIHAT District- PURNIA

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1. Kare Pandit @ Suresh Kuamr Pandit, Son of Ramdhyan Pandit, resident of village- Bishanpur Dutt P.S.- Banmankhi, Dist.- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Ritambhara

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is in custody since 09.09.2017 in connection with a case registered for the offences punishable under Sections 364/379/302 of the Indian Penal Code.

Learned counsel for the petitioner submits that though the Tempo which is alleged to be the one which was used for commission of the crime and which is numbered as BR-11-F/7806 of which the deceased was the auto driver was allegedly recovered in front of the house of the present petitioner. She submits further that though he is an Auto Driver and the owner of two or three Tempos, the petitioner has nothing to do with the crime. He has been merely earning his livelihood by running his tempos which bear Registration No. BR-11-M/3026 and BR-11-



PA/0694. The petitioner was in no way connected with the alleged occurrence and kidnapping and murder of the deceased tempo driver and his name has been brought in only because the concerned tempo was recovered from his *Darwza* and on the statement of a co-accused who disclosed the name of the petitioner. It is next submitted that the petitioner is being prosecuted mainly on the statement made before the police by the co-accused which has no evidentiary value.

Considering the entire facts and circumstances of the case, let the petitioner above named, 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 the learned Chief Judicial Magistrate, Purnea in connection with K. Hat P.S. Case No. 533/2017, subject to the following conditions:-

- (1) One of the bailors will be his own relative, namely, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by



the learned court concerned.

- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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