

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44476 of 2018

Arising Out of PS.Case No. -93 Year- 2018 Thana -BAHADURGANJ District- KISANGANJ

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Sunil Kumar Pandit @ Kachalu @Sunil Pandit, Son of Shiv Lal Pandit,
resident of village- Chandwar Hat, Police Station- Bahadurganj in the
District of Kishanganj Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 23-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, on his surrender, is in custody since
09.05.2018 in connection with Bahadurganj P.S. Case No. 93 of
2018 for the offence registered under Sections 314, 323, 324, 307,
354(B) and 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that though
the name of the petitioner has been specifically mentioned in the
first information report as having participated in the occurrence,
but in course of investigation, the victim lady in her statement
made before the police does not indicate the role of the present
petitioner either in the act of molestation/attempt to rape and/or
about the attack in which she suffered injury on her neck by means
of Kachia. Subsequently, in her statement made before the police
the victim lady has made allegation against the petitioner to the



effect that while co-accused Rajendra Pandit @ Kalwa was outraging her modesty and had attacked her leading to grievous injury, the present petitioner was standing at the place of occurrence. Save and except, the allegation in the statement which appears at paragraph-31 of the case diary, there is no further material to indicate the complicity of the present petitioner. It is thus, submitted that the petitioner may be extended the privilege of bail

Diary of the present case was called for which has since been received.

Learned counsel for the State, after perusal of the case diary submits that the first information report clearly indicates the involvement of the petitioner and even in view of the fact that the petitioner was only present at the place of occurrence, he can be said to have been abetting the crime and thus, he is not entitled to bail.

Having heard learned counsel for the petitioner, learned counsel for the State and after perusal of the materials which has surfaced in the case diary, it appears that the petitioner has not committed any overt act and his mere presence cannot, by any stretch of imagination, extend to the limit so as to implicate him in connection with the offence under Section 307 and/or Section 354(B) of the Indian Penal Code, as has been alleged.



In view of the aforementioned facts and circumstances of the case and that the petitioner has no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No. 93 of 2018 corresponding to G.R. No. 611 of 2018.

(Anjana Mishra, J)

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