

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8240 of 2020**

Arising Out of PS. Case No.-79 Year-2011 Thana- KUSHESHWARASTHAN District-
Darbhanga

SHIV SHANKAR PANDIT Son of Late Sheo Narayan Pandit Resident of
Karowta, Police Station - Kusheshwar Asthan, District - Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jagdish Prasad Singh, Advocate

For the Informant : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 25-06-2020 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner in the present case is seeking regular bail in connection with S.T. No. 281 of 2014 arising out of Kusheshwar Asthan P.S. Case No. 79 of 2011 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 427, 448, 307 of the Indian Penal Code.

Learned counsel for the petitioner submits that initially after investigation police has submitted a final form but at the stage of 319 Cr.P.C. the petitioner has been summoned to face trial.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the



petitioner as according to them the allegation against the petitioner has been supported by the witnesses in course of trial. They jointly submit that in course of their deposition in S.T. Case No. 281 of 2014 Rajendra Sahni has alleged that this petitioner had attacked on his head by a *Kulhari*. This has also been supported by the prosecution witness Phulo Devi. It is, however, submitted that the petitioner has been made accused in this case at a subsequent stage and he has remained in custody for almost six months and, hence, at this stage he may be enlarged on bail.

Having regard to the facts and circumstances of the case, it appears that the name of the petitioner has come at the stage of 319 Cr.P.C. and he has remained in custody for almost six months and at this stage his continuation in jail is not likely to help the prosecution, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd A.D.J. Benipur, District Darbhanga in connection with S.T. No. 281 of 2014 arising out of Kusheshwar Asthan P.S. Case No. 79 of 2011, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

