

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17926 of 2020

Arising Out of PS. Case No.-596 Year-2019 Thana- AMARPUR District- Banka

1. Kedar Pandit (Male), aged about 58 years, Son of Kartik Pandit, Resident of Village - Kathdaur, P.S.- Fullidumar, District - Banka.
2. Bhola Pandit (Male), aged about 47 years, Son of Kartik Pandit, Resident of Village - Kathdaur, P.S.- Fullidumar, District - Banka.
3. Arbind Pandit (Male), aged about 40 years, Son of Kartik Pandit Resident of Village - Kathdaur, P.S.- Fullidumar, District - Banka.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Md. Najmul Hodda, Advocate.
For the Opposite Party : Mr.Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Vide order dated 18.03.2020, anticipatory bail application of the petitioner nos. 1 and 2 has already been dismissed as withdrawn as they have already been taken into custody, during the pendency of the present application.

Heard learned counsel for the petitioner no. 3 and learned A.P.P. for the State.

The petitioner no. 3 is apprehending his arrest in a



case for the offences registered under Sections 341, 342, 307, 379, 504, 506/34 of the I.P.C. and 27 of the Arms Act.

The prosecution case, in short, is that on 17.11.2019 co-accused Basudeo Pandit in drunken condition having arms entered in the house of the informant and started abusing and assaulting. The brother-in-laws (*Salas*) of the F.I.R. named accused persons including Arbind Pandit (petitioner no. 3) having arms and ammunitions attacked on him. Co-accused Basudeo Pandit and Kedar Pandit threatened to kill him and Arbind Pandit (petitioner no. 3) snatched 03 Bhar golden chain amounting cost of Rs. 95,000/- from his neck and co-accused Basudeo Pandit shot fire from his country made pistol and one shot fire in the air which hit to one other person. It is further alleged that co-accused Basudeo Pandit is a member of *Naxal* and he may commit the murder of the informant.

It has been submitted on behalf of the petitioner no. 3 that he has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against him. He has falsely been implicated in the present case. The allegation of assault is not alleged against him. The allegation of assault is alleged against other co-accused. No offence under Section 307 of the I.P.C. is made against him.



On behalf of the State, it is submitted that the petitioner no. 3 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner no. 3, above named, (except petitioner nos. 1 and 2), in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned C.J.M., Bhagalpur, in connection with Amarpur (Fullidumar) P.S. Case No. 596 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 3 shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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