

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23213 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- PAWANA District- Bhojpur

Surendra Pandey @ Surendra Kumar Pandey Son of Parsuram Pandey
Resident of Village - Dhobaha, P.S.- Pawna, District - Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 09-09-2020 Heard learned counsel for the parties through video conferencing.

This relates to grant of regular bail in Pawana P.S. Case No. 22 of 2020, registered for the offence under Sections 302, 34 of the Indian Penal Code.

It is submitted on behalf of petitioner that petitioner is innocent and has committed no offence. There is general and omnibus allegation and no specific allegation of overt act is against the petitioner. It is further submitted that on perusal of FIR, it is evident that informant is not the eye-witness of the alleged occurrence. Informant only saw his father fallen on the ground unconscious and petitioner along with other co-accused was only standing there. Medical evidence also does not support the prosecution case, The petitioner is in custody since 18-05-2020, having no criminal antecedent.

However, learned A.P.P. for the State has vehemently



opposed the bail application of the petitioner and submitted that petitioner is also named in the FIR and he participated in the occurrence, in which, deceased received multiple injuries and fracture of the different organs.

Considering the aforesaid facts and circumstances as well as the fact that petitioner is in custody since 18-05-2020, having no criminal antecedent, the bail application is allowed.

Let the above-named petitioner 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 learned Judicial Magistrate 1st Class, Bhojpur, Ara in connection with Pawana P.S. Case No. 22 of 2020 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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