

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31260 of 2020

Arising Out of PS. Case No.-200 Year-2020 Thana- KOILWAR District- Bhojpur

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BARMESHWAR PANDEY @ BAMESHWAR PANDEY, Male, aged about 65 years, Son of Late Mahadeo Pandey, Resident of Village - Purana Haripur, P.S.- Koilwar, District – Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ravindra Kumar, Advocate.

For the Opposite Party : Mr. Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-12-2020 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.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 120(B) and 302/34 of the I.P.C.

The prosecution story, in brief, is that on 25.05.2020 the father of the informant went alongwith the petitioner



towards the field. When his father did not return, he went to the house of the petitioner where he did not find him there. He was abused by his family members. On the next day, he came to know from the villagers that the dead body of his father was lying on the *Badhar* of the *Sone River*. He went there and saw the dead body of his father in naked condition. Several injuries were found on his body. He took the father's dead body to his house and informed the concerned police station then postmortem was conducted. Two days before, his co-villagers Raju Pandey and Mani Pandey threatened him and his father for enduring the consequences since the informant and his uncle had disclosed about illegal act of Sadhujee @ Acharya Krishna Murari who came in village for which a case was also lodged against them. The informant might have believed that his co-villagers Barmeshwar Pandey (petitioner), Raju Pandey and Mani Pandey after seducing his father took him to the *Badhar* of the *Sone River* and after murdering him, his dead body was thrown there. Apart from above three persons, there is also involvement of Acharya Krishna Murari @ Sadhuji and other companion, in this mischievous act because all these three persons were looking on him with suspicion after the incident.

It has been submitted by learned counsel for the



petitioner that the petitioner is in custody since 26.05.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is case of last seen. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to 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, Bhojpur, in connection with Koilwar P.S. Case No. 200 of 2020.

(Sudhir Singh, J)

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