

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16408 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Sambhoo Pandey @ Srikant Pandey @ Sri Kant Pandey, aged about 47 years,
S/O Late Kedar Pandey Permanent R/o village- Mohan Dadwa, P.S.-
Sonhanan, District- Kaimur, presently Residing at Flat No. 12/2, Narayani
Apartment, Santoshpur, Kolkata, Maheshtala (M), South 24 Paragana, West
Bengal- 700066

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh with Dr. Anshuman, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-09-2021 In view of the sudden resurgence of Covid-19 infection,

there is limited functioning of the High Court and, therefore, the

matter has been listed today for consideration through virtual

mode.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

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

The petitioner seeks bail in Bhabhua PS Case No 328 of
2020, instituted for the offence under Sections 302 and 201/34
of the Indian Penal Code.

The allegation, as per First Information Report, is that the
brother of the informant has been killed by her uncle, aunt and



cousin.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and from perusal of the FIR, it would be evident that only suspicion has been raised by the informant against the petitioner and his family members. Learned counsel also submits that petitioner is the uncle of the deceased and he resides along with his family in Kolkata which would be evident from the documents annexed at Annexure P/2 to this petition.

Learned counsel submits that during course of investigation, it has come to light that the deceased had committed suicide in the village home and the petitioner along with his family members have falsely been implicated in this case due to ongoing civil dispute between the family members. Learned counsel further submits that the chargesheet has already been submitted in this case and the petitioner is in custody since 03.06.2020. Co-accused, namely Savitri Devi @ Savitri Devi Pandey has been allowed bail vide order passed in Cr. Misc. No. 35271 of 2020.

The learned APP representing the State has opposed the prayer for bail.

Having regard to the submissions made by the parties and



taking into consideration the material on record and the fact that petitioner is languishing in custody since 03.06.2020 and the charge sheet has already been submitted in this case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 the learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Bhabhua PS Case No. 328 of 2020, GR No. 1011 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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