

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25489 of 2021

Arising Out of PS. Case No.-441 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Dheeraj Kumar Son of Ashok Pandit Resident Of Village Lagauli, Tiltrath,
Police Station Brauni, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Dinesh Maharaj, Advocate
For the State	:	Mr. Chandrasen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-11-2021 The petitioner who is in custody since 23.11.2020 in connection with Begusarai Muffasil (Singhaul) P.S. Case No. 441 of 2020 for the offence punishable under sections 363/365 of the Indian Penal Code and later Sections 302/201/34 was added.

As per the prosecution case, the petitioner alongwith other accused persons went to the house of the informant and called her husband and thereafter, the husband of the informant went somewhere. The informant saw Ashok Pandit who was standing with one unknown person on the road and he was last seen with said Ashok Pandit and thereafter her husband did not come back, she filed the present case.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and his name has come on the basis of confessional statement of co-accused Ashok Pandit. There is absence of legal and cogent evidence against the petitioner. Learned counsel appearing on behalf of the petitioner has further submitted that just being the son of co-accused Ashok Pandit, he has falsely been implicated in this case. He has further submitted that co-accused Ashok Pandit has already been released on bail by this Court vide order dated 12.7.2021 passed in Cr. Misc. No. 13922 of 2021 and also considering the period of custody, the petitioner should be released on bail.

Learned counsel appearing on behalf of the State however, opposed the prayer of the petitioner. He has further submitted that the offense as alleged is cognizable and charge-sheet has been submitted under sections 302, 201 and 34 of the Indian Penal Code and as such the petitioner should not be released on bail.

Considering the rival submissions of the parties and the facts of the case as well as the material available on record nothing incriminating material has been found against the petitioner as appears from the case diary during the course of the investigation and the petitioner having clean antecedent, let the petitioner, named above, be enlarged on bail on furnishing



bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Begusarai Muffasil (Singhaul) P.S. Case No. 441 of 2020 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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