

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24587 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

Prabhu Nath Pandit @ Chintoo Pandit @ Mantoo Pandit, Son of Basukinath Pandit @ Dumari Pandit, R/O Village- Panditpur, P.S.- Buxar (MUFFASIL), Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bachan Jee Ojha, Adv.
For the Opposite Party/s	:	Dr.Mrityunjaya Kr.Gautam, APP
For the Informant	:	Mr.Anil Kumar Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-10-2021 Heard the parties.

The petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 324, 307, 325, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner in collusion with other accused persons is said to have assaulted the informant and his family members by means of lathi, rod, katta and Sword.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is land dispute between the



parties and both parties are agnates. There is case and counter case between the parties. The allegation against the petitioner assaulting by sword on head of brother of the informant, but no head injury was found. There is no allegation of firing against the petitioner. The petitioner is languishing in judicial custody since 25.12.2020. The petitioner has got 03 criminal antecedents, which is mentioned in supplementary affidavit.

Learned counsel for the informant as well as APP for the State vehemently opposed the prayer for bail application and submits that the injury is grievous in nature and the injured person was witness in Buxar (Muffasil) P.S. Case No. 58/2016, therefore, the present occurrence took place.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Buxar (Muffasil) P.S. Case No. 178/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the condition:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also



undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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