

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25643 of 2021**

Arising Out of PS. Case No.-396 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

Prabhu Nath Pandit @ Chintoo 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.Akhilesh Kumar Pandey
For the Opposite Party/s : Mr.Nagendra Prasad

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 01-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 06.01.2021 seeks
regular bail in connection with Buxar (Muffasil) P.S. Case No.
396 of 2020 registered for offences punishable under Sections
341, 323, 354(B), 353, 307 and 225/34 of the Indian Penal
Code.

Prosecution story in brief is that one Kunal Krishna
S.I. of police lodged the present case on 25.12.2020 against the
accused persons of Buxar (Muffasil) P.S. Case No. 178 of 2020
under Section 307 I.P.C. A raid was conducted to arrest the
accused person, the petitioner and other three accused persons



attacked the police force and fled away and none was arrested on the spot.

Learned counsel appearing on behalf of the petitioner submits that petitioner was not apprehended on the spot. He further submits that petitioner is innocent and has falsely been implicated in this case due to ulterior motive. He further submits that petitioner has two criminal antecedents and he is on bail in both the cases. He further submits that petitioner is in custody since 06.01.2021 in the present case and similarly situated co-accused have enlarged on bail and as such he may also be released on bail.

Learned A.P.P., however, opposes the prayer for bail.

Considering the submissions made on behalf of the parties and general and omnibus nature of allegation, the Court below is directed to verify the criminal antecedent of the petitioner who as per statement made in paragraph no.3 is on bail in following cases (i) Buxar (Muffasil) P.S. Case No. 263 of 2011 for the offence under Section 498A and 302/34 I.P.C and (ii) Buxar (Muffasil) P.S. Case No. 178 of 2020 for the offence under Section 341, 323, 307, 325, 504 and 506 of I.P.C. If the Court below is satisfied that no other case apart from the abovementioned two cases is pending against the petitioner and



there is no allegation of tempering, let the petitioner above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Buxar (Muffasil) P.S. Case No. 396 of 2020 subject to the following conditions:

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

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

(iii) If the petitioner tempers 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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