

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34811 of 2021

Arising Out of PS. Case No.-232 Year-2020 Thana- DINARA District- Rohtas

1. KAMLESH PANDIT S/o Daulat Pandit Resident of Village- Lilawachh, P.S.- Dinara, District- Rohtas.
2. SINTU KUMAR PANDIT @ SINTU PANDIT @ SINTU KUMAR S/o- DAULAT PANDIT Resident of Village- Lilawachh, P.S.- Dinara, District- Rohtas.
3. PRIKA PANDIT @ PRINKA PANDIT @ PRINKU PANDIT @ PRINKU KUMAR S/o Daulat Pandit Resident of Village- Lilawachh, P.S.- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Singh
For the Opposite Party/s	:	Mr. Akbar Ali, APP
		Mr. Rajesh Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-09-2021 Heard learned counsel for the petitioner, the State and the informant.

Petitioners seek regular bail in a case registered for the offence punishable under Section 302 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, on 10.08.2020 at 5 PM all the FIR named accused persons, including these petitioners, jointly attacked on the family members of informant as a result of which they sustained injuries. It is further alleged that co-accused, Ritesh Pandit gave Garasa blow on the head of Moti



Pandit, brother of informant, and co-accused Santosh Pandit also assaulted him by means of Rama as a result of which brother of informant died during the course of treatment. It is further alleged that Prika Pandit, petitioner No.3, caused injury on the neck of Awadhesh Pandit.

Learned counsel appearing for the petitioners submits that there is case and counter case between the parties and Co-accused, Prabhawati Devi, has lodged Dinara P.S. case No. 233/2020 against the informant and others. As per FIR specific allegation of assault is against co-accused Ritesh Pandit and Santosh Pandit, who are alleged to have assaulted the brother of informant with Garasa and Rama, respectively. There is general and omnibus allegation against petitioner No.1 and 2 and though petitioner No.3 is alleged to have assaulted Awadhesh Pandit but injury found on the person of Awadhesh Pandit is simple in nature. The petitioners are in custody since 01.09.2020 and investigation in this case is complete.

Learned counsel appearing for the State and the informant opposes the prayer for bail and submits that these petitioners also participated in the occurrence and assaulted the family members of the informant.

Considering the facts of the case and the period of



custody of the petitioners, let the petitioners, 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 Additional Chief Judicial Magistrate-III, Bikramganj, Rohtas in connection with Dinara PS case No. 232/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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