

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34799 of 2021**

Arising Out of PS. Case No.-272 Year-2019 Thana- BARARI District- Katihar

Hari Om Sharan Pandit @ Hari Om Pandit S/O Balram Pandit R/o village-  
Raja Pakhar, Kant Nagar, P.S.- Barari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr.Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      04-09-2021                      This matter is taken up for consideration through  
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Barari P.S. Case No. 272  
of 2019, registered for the offence punishable under Sections  
302, 120B/34 of the Indian Penal Code.

As per the prosecution case, on 24.08.2019 at about  
7.00 am this petitioner on motorcycle came at darwaja of  
informant and took away her husband. Later on, one Muslim  
person came to her house and informed that her husband met  
with accident while he was going with motorcycle of this  
petitioner, on such information, informant along with her  
children rushed there, where she came to know that her relative  
took her husband for treatment to Referral Hospital Barari. The



informant further alleged that a month before the said occurrence, the petitioner asked her husband to come back from Chennai for compromising an earlier land dispute which was done on 16.08.2019 and it appears that her husband has been killed by this petitioner along with the said person of Muslim Tola.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case and no such occurrence has taken place. In fact, during course of investigation, one of the eye-witnesses namely, Md. Sahar Bhajul son of Md. Israel categorically deposed that on the alleged date of occurrence while two persons were riding on a blue Pulsar motorcycle, the driver lost the control and fell down from the motorcycle and the persons who were sitting behind the driver received head injury causing excessive bleeding. Both persons were in drunken condition. The injured person was taken to the hospital with the help of villagers. The police recorded the statement of villagers and they have stated that due to rash and negligent driving the accident occurred and driver was in inebriated condition. The police also submitted chargesheet bearing Final Report No. 39/2021 dated 02.03.2021 under Section 279/304 A IPC against the petitioner and no



chargesheet has been submitted against the accused Rejaul. However learned court below differing with the same took cognizance under Section 302, 120B/34 IPC. Postmortem report also suggest that cause of death due to shock and hemorrhage caused by hard heavy object. Petitioner is in custody since 15.02.2021.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged 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 Additional Chief Judicial Magistrate, Katihar in connection with Barari P.S. Case No. 272 of 2019, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

**(Prabhat Kumar Singh, J)**

vinita/-

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