

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34512 of 2020

Arising Out of PS Case No.-131 Year-2019 Thana- KATORIA District- Banka

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1. Tilak Pandit, aged about 30 years, Male.
 2. Jamun Pandit, aged about 24 years, Male.
 3. Gangu Pandit, aged about 27 years, Male.
 4. Ramdev Pandit @ Rajendra Pandit, aged about 22 years, Male.
All are sons of Mahendra Pandit.
All are resident of Village- Amawaran Jayapur/Targachha, Police Station-
Katoria, District Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Mishra, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Satish Chandra Mishra, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Katoriya PS Case No. 131 of 2019 dated 23.07.2019, instituted under Sections 341, 323, 504, 324, 379/34 of the Indian Penal Code to which later on Section 302 was added.



4. The allegation, as per the FIR is that on 23.07.2019 co-accused Mahendra Pandit, who is the father of the petitioners, was planting mango tree on Forest Department land and when the informant asked him not to so do, he along with Kirtan Pandit had assaulted him with axe and also abused and threatened him and thereafter when his wife came, the two co-accused along with the petitioners had also assaulted her and snatched money and silver necklace from the wife of the informant. Later the informant also succumbed to the injuries.

5. Learned counsel for the petitioners submitted that just because they are sons of co-accused Mahendra Pandit, who is said to have inflicted axe blow, they have been made accused and even otherwise, in the FIR, the allegation is only general and omnibus of assault, that too, after the informant was assaulted by axe by Mahendra Pandit and Kirtan Pandit. Learned counsel submitted that they have no criminal antecedent and during investigation, in the supervision report, it has been noted that petitioners no. 2 and 3 were also actually not physically present at the place of occurrence at the relevant time. Learned counsel submitted that the father of the petitioners and Kirtan Pandit are in custody since 30.08.2019 and facing trial.



6. Learned APP, from the case diary, submitted that the informant was killed and, in the FIR, he has explained the sequence of events. However, it was not controverted that the allegation of assault by the petitioners on the informant, another person and the wife of the informant, is general and omnibus in nature.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in Katoriya PS Case No. 131 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the



bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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