

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3707 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- GALGALIYA District- Kishanganj

LAKHAWA PANDIT @ LAKHAN PANDIT @ LAXMAN PANDIT S/o
Mahesh Pandit R/o village- Besarbati, P.S.- Galgaliya, District- Kishanganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Galgalia P.S. Case No.21 of 2020 registered for the offence punishable under Section 302 read with section 34 of the Indian Penal Code.

As per the prosecution case, husband of the informant has been killed in the house at night by cutting his neck. Informant has alleged that due to previous enmity this petitioner along with one other have killed her husband.



It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case on mere suspicion and has not committed any offence as alleged in the FIR. The allegations leveled upon the petitioner are general and omnibus in nature. There is no material to connect the petitioner with the offence nor has any person seen the occurrence being committed rather the allegations have been leveled on the basis of suspicion only, because two years ago a panchayati was held on account of flirting of the accused with the daughter of informant. However, the independent witnesses whose statement have been recorded in the case diary have also not supported the allegation of flirting/teasing of her daughter on account of which the petitioner was hostile towards the deceased. The petitioner has no criminal antecedent and has been languishing in custody since 13-07-2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below in connection with Galgalia P.S. Case No.21 of 2020, subject to the following conditions:



(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

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

(Anjani Kumar Sharan, J)

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