

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2420 of 2022

Arising Out of PS. Case No.-116 Year-2021 Thana- SINGHIYA District- Samastipur

Nitya Nand Pandit, S/o Surya Narayan Pandit, R/o village- Jhajhara, P.S.-
Kusheshwar Asthan, District- Dharbhanga

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate

For the State : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Singhiya P.S. Case No. 116 of 2021 registered
for the offences punishable under Sections 302, 394 and 34 of
the Indian Penal Code read with Section 27 of the Arms Act.

As per prosecution case, the informant alleged that
at the instance of FIR named co-accused, the son of the
informant was robbed and shot dead by unknown miscreants.
The name of the petitioner transpired during investigation as
one of the accused persons who acted as a liner in this case.

The learned counsel for the petitioner submits that the
petitioner has not been named in the FIR and his name
transpired during investigation on the basis of his confessional



statement as well as the confessional statement of co-accused Sunil Pandit. Except for these statements, there is nothing against the petitioner. There is no eye-witness to the occurrence and the petitioner has been named merely on suspicion. Even as per the prosecution case, the petitioner is not an assailant and is merely stated to be a liner. The petitioner is in custody since 27.07.2021 and charge sheet has been submitted. The petitioner has got clean antecedent. The co-accused Sunil Pandit has been granted bail by a Coordinate Bench of this Court vide order dated 21.09.2022 passed in Cr. Misc. No. 58228 of 2021. The case of the petitioner is similarly placed.

Learned APP opposes the prayer for bail submitting that the petitioner has been named on the basis of his confessional statement and also the confessional statement of co-accused. The tower location of the mobile phone of the petitioner and co-accused show he and other co-accused had been doing recce and acted as a liner in the murder of the son of the informant.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that except the confessional statements no substantive material has been brought on record against the petitioner and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Samastipur in connection with Singhiya P.S. Case No. 116 of 2021 and Special Excise Act No. 4 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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