

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3118 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- KOTWA District- East Champaran

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Basant Pandit S/o Late Mahesh Pandit R/o Village- Rajapur Mathiya, P.O.-
Dumra, P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vagisha Pragya Vacaknavi

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard Ld. counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in connection with Kotwa

P.S. Case No. 153 of 2021, registered for the offences

punishable under Sections 302 and 201 of the Indian Penal

code (G.R. No. 3463 of 2021).

The prosecution case as emerging from FIR is that

the accused-petitioner, Basant Pandit, was seen carrying the

informant's minor son, Nazir Alam in his lap towards Bamboo

clump, where the accused-petitioner was engaged in cutting

and carrying soil. The Informant's son was found dead in the

above said place of work of the petitioner.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the sole accused-petitioner was last seen with the alleged victim who has been strangled as per the post-mortem report and there is no motive on the part of the petitioner to cause death to the victim. He further submits that investigation in this case is complete and there is no tangible evidence to show the chain of events showing the complexity of accused-petitioner. He has been languishing in jail since 20.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail in the present case.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. CJM (I/C), East Champaran, Motihari in connection with Kotwa P.S. Case No. 153 of 2021, **after framing of charge, if already not framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the



petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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