

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4381 of 2022

Arising Out of PS. Case No.-131 Year-2020 Thana- MARAUNA District- Supaul

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DEVAN PANDIT S/o Nathuni Pandit R/o village- Sirajpur Ward No. 12, P.S.-
Marauna, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Marauna P.S. Case No. 131 of 2020 corresponding to G.R. No.
1872 of 2020 registered for the offences punishable under
Sections 341, 323, 325, 307, 379, 504, 506 and 34 of the Indian
Penal Code.

Briefly stated fact of the prosecution case is that
the informant stated in his hand written fardbyan that on
04.09.2020 his son and his wife were looking after the machine
set up in their field. In course of looking after the machine his
younger son namely Sachin Kumar found a plastic bottle fallen



down near the said machine and thereafter his son returned home with the said bottle. After that one of the co-accused namely Narayan Pandit came to informant's house and asked that his son brought his plastic bottle by stealing. It is further alleged that co-accused started beating his son. Meanwhile, petitioner and others were called and they began to assault the informant's wife and son with stick and iron rod indiscriminately as a result of which informant's son fell down on the ground. It is further alleged that co-accused Narayan Pandit continuously assaulted his son with a hard blunt substance as a consequence of which his son sustained deep injury on his head and leg. It is further alleged that the petitioner and co-accused Haricharan Pandit snatched ornaments from the neck and nose of informant's wife.

Learned counsel for the petitioner submits that petitioner is in custody since 10.09.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence. It has been further submitted that occurrence took place on 04.09.2020 whereas F.I.R. lodged on 20.09.2020 meaning thereby sixteen days delay in order to manipulate the false story. He further submits that co-accused Narayan Pandit has already



been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 63787 of 2021 against whom there is a direct allegation of assault and the case of the present petitioner stands on better footing as there is no specific allegation against the petitioner rather the allegation is general and omnibus in nature. There is mere allegation of snatching the ornament from the neck and nose of wife of informant along with co-accused Haricharan Pandit and co-accused Haricharan Pandit has already been granted bail by the co-ordinate Bench vide Cr. Misc. No. 63787 of 2021.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nature of allegation, keeping in view clean antecedent, charge sheet has been submitted and co-accused has been granted bail by the co-ordinate Bench of this court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Supaul in connection with Marauna P.S. Case No. 131 of 2020 corresponding to G.R. No. 1872 of 2020, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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