

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5608 of 2022

Arising Out of PS. Case No.-26 Year-2014 Thana- DINARA District- Rohtas

Munna Pandey, Son of Late Janardan Pandey, Resident of Village- Chhotka More, P.S.- Sasaram (Muffasil), District - Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 30-11-2022 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 Dinara P.S. Case No. 26 of 2014 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, dead body of two persons were found below a tree. The name of the petitioner surfaced during investigation as one of the accused persons.

The learned counsel for the petitioner submits that the earlier bail petition of the petitioner was rejected by a Co-ordinate Bench of this Court vide order dated 05.12.2020 passed in Cr.



Misc. No. 79537 of 2019. However, while rejecting prayer for bail, the Co-ordinate Bench directed the learned trial court to expedite the trial and conclude the same within a period of one year from the date when the normal court proceeding would start. The petitioner was granted liberty to renew his prayer for bail if the trial is not concluded within the aforesaid period. Learned counsel further submits that there is no possibility of conclusion of trial in near future. Learned counsel further submits that from the FIR, it is apparent that it has been registered against unknown but the petitioner and other co-accused persons have been falsely implicated in this case only on suspicion and no tangible material has come up on record to show the complicity in the commission of offence as alleged in the FIR. There is nothing on record to show that the petitioner participated in any event with the deceased on the alleged date of occurrence. Except for suspicion there is no hard proof. There is no eye-witness to the alleged occurrence. Learned counsel further submits that nothing incriminating has been recovered from the house of the petitioner or his conscious possession. Similarly situated co-accused Vakil Chaudhary has already been granted bail by a Co-ordinate Bench of this Court vide order dated 11.03.2015 passed in Cr. Misc. No. 3500 of 2015. The petitioner is in custody since 02.07.2018 and the charge-sheet has been submitted in this case.



Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner and other co-accused persons took away and murdered the deceased.

Perused the records.

From perusal of trial court report it appears that only one witness has been examined till 05.07.2022.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of bail to similarly placed co-accused person and further considering the fact that there appears no likelihood of conclusion of trial in near future and also considering the period of custody of the petitioner along with submission of charge-sheet against him, 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 Sub-Divisional Judicial Magistrate, Bikramganj in connection with Dinara P.S. Case No. 26 of 2014 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a 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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