

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8430 of 2022

Arising Out of PS. Case No.-201 Year-2020 Thana- BARGAINIA District- Sitamarhi

1. Munna Pandit @ Munna Kumar Son of Jai Narain Pandit R/O Village- Masha Alam, Ward No.18 (Nagar Panchayat Bairginia), P.S.- Bairganina, District- Sitamarhi
2. Subhash Rai @ Sumeshwar Rai Son of Subh Narain Rai R/O Village- Masha Alam, Ward No.18 (Nagar Panchayat Bairginia), P.S.- Bairganina, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Naveen Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-07-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Bairganina
P.S. Case No. 201 of 2020 registered for the offence under
Sections 302, 201 and and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 29.09.2021.

The allegation against the petitioners is to commit
murder of brother of the informant along with other co-accused
persons in the background of local political differences.



Learned counsel appearing on behalf of the petitioners submitted that informant is not the eye-witness of the occurrence and the entire allegation is based upon suspicion, where dead body was found in Bamboo orchard (Baswari). It is submitted that similarly situated co-accused person has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr.Misc. No. 37761 of 2021. It is also submitted that both the petitioners are man of clean antecedent. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence, as per FIR.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, where nothing surfaced during course of investigation to connect both the petitioners, *prima facie*, with present occurrence, coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Bairgania P.S. Case No. 201 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Ist, Sitamarhi/concerned court, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(ii) That one of the bailors shall be Kamal Pandit, who is the uncle of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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