

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11091 of 2022

Arising Out of PS. Case No.-4 Year-2020 Thana- PIPRAKOTHI District- East Champaran

Naresh Pandey Son of Jagdish Pandey Resident of Village- Chhatauni Bazar
(Aasman Rai Tola), P.S.- Chhatauni, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-09-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with
Piprakothi P.S. Case No. 04 of 2020 registered for the offence
under Sections 302, 120(B), 34 and 392 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.10.2021.

The allegation against the petitioner is to commit
murder of the brother of informant along with other co-accused
persons for previous enmities, which is founded over local
differences and money transactions.



Learned counsel appearing on behalf of the petitioner submitted that the face of F.I.R. itself evident of the fact that petitioner was not even “last seen” with deceased, where allegation as raised by informant is purely based upon suspicion due to money related dispute, where a threat was also alleged to advanced by this petitioner. It is also submitted that co-accused, namely, Chandan Shah, having more serious allegation, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 25340 of 2021 vide order dated 07.12.2021. It is also submitted that informant is not the eye witness of the occurrence, where implication is based upon suspicion, as petitioner found involved in twelve more criminal cases, having no bearing over merit of this case. While concluding the argument, it has been submitted that investigation has been completed, for which charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner was not amongst the persons who were alleged to call the deceased from home, as per F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during the course of



investigation to connect this petitioner, *prima-facie*, with alleged occurrence, where acquisition, *prima-facie*, appeared on the basis of suspicion due to previous enmities coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Piprakothi P.S. Case No. 04 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari/concerned court, subject to the following conditions:

“(i) Accused/Petitioner 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 petitioner duly supported by the documents.

(ii) That one of the bailors shall be Nawal Pandey, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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