

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11103 of 2022**

Arising Out of PS. Case No.-62 Year-2021 Thana- MAHNAR District- Vaishali

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SANJAY PANDIT @ SANJAY KUMAR PANDIT Son of Ram Balak Pandit
Resident of Village- Lodipur Lakhraj, P.s. Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Rupa Kumari

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Mahnar Police Station Case No. 62 of 2021, registered for the offences punishable under Sections 147/148/149/144/323/324/341/342/307/302 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the husband of the informant, along with one Raushan Kumar, had gone to village Chatwara, on an Alto car, bearing registration no. BR06AK/1104, and on 28.02.2021, when the husband of the informant did not return home, she went to Lodipur Lakhraj where she came to know that the petitioner along with other named accused persons and 100 unknown persons forcibly stopped the vehicle of her husband



and beaten him to death.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to the fact that in the night of 27/28-02-2021, at about 02:30 AM, 4-5 thieves had arrived near the house of the petitioner for committing theft and upon some noise, the sister-in-law of the petitioner woke up and raised alarm, due to which some villagers also woke up and assembled near the house of the petitioner and the accused persons started fleeing away and they were chased by the villagers. In the mean while, the deceased (husband of the informant) entered into the alto car, parked there from before, however, the villagers surrounded the thieves, sitting in the car and assaulted and brought them near the door of the petitioner, where the husband of the petitioner died and another thief, namely, Raushan Kumar, who was sitting in the car received injuries and was handed over to the police. He further submits that the alto car along with one machine was recovered from the possession of the thieves. He further submits that Annexure-2 is the First Information Report lodged by the brother of the petitioner, prior to the lodging of the present First Information Report, bearing Mahnar Police Station Case No. 61



of 2021 and from perusal of the same, it would be evident that it was the villagers, who assaulted the husband of the informant considering him as a thief and brought at the door of the petitioner and there is general and omnibus allegation against 100 villagers, including the petitioner and others. He further submits that similarly situated co-accused, namely, Satish Pandit, has been granted bail by this Court, vide order, dated 04.04.2022, passed in Criminal Misc. No. 36756 of 2021. He further submits that the petitioner is in custody since 30.11.2021 and charge sheet has been submitted and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the First Information Report lodged by the side of the petitioner is prior in time, where it has been stated that two thieves were caught by the villagers, 100 in number, who assaulted them, due to which one of the thieves died at the spot and the injured thief was handed over to the police, no specific allegation is levelled against the petitioner, similarly situated co-accused person has been granted bail by this Court, charge sheet has already been submitted and the petitioner is in custody since



30.11.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Mahnar Police Station Case No. 62 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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