

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11619 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- PIPRA District- Supaul

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Gajendra Pandit Son of Laxmi Pandit Resident of Village- Maura Khap, P.S.-
Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-07-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 398, 302, 307/120B of the
Indian Penal Code and Section 25(1-b)A/27/35 of the Arms Act.

The prosecution case, in short, is that six unknown
criminals entered into the shop of his son Govind Kumar and
started looting on the point of fire arms and on protest culprit
fired which hit on the chest of the son of the informant.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case and in



fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of disclosure made by spy and confessional statement of co-accused persons. Further submits that nothing has been recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that similarly situated co-accused person namely Sharban Kumar has been granted bail by this Court vide order dated 24.03.2022 in Cr. Misc. No. 50157 of 2021 and another co-accused Subodh Yadav @ Subodh Kumar has been granted bail vide order dated 26.05.2022 in Cr. Misc. No. 7135 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.04.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries nine more cases other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Pipra P.S. Case No. 33 of 2021, with the following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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