

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11833 of 2022

Arising Out of PS. Case No.-232 Year-2020 Thana- DINARA District- Rohtas

1. Santosh Pandit S/o Late Baban Pandit R/o village- Lilawanchh, P.S.- Dinara, District- Rohtas, State- Bihar
2. Ritesh Pandit S/o Daulta Pandit R/o village- Lilawanchh, P.S.- Dinara, District- Rohtas, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 12286 of 2022

Arising Out of PS. Case No.-232 Year-2020 Thana- DINARA District- Rohtas

Daulat Padnit Son of Late Nathuni Pandit resident of village - lilawanchh, p.s.- Dinara, Distt.- Rohtas, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11833 of 2022)

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the State	:	Ms. Asha Devi, APP
For the Informant	:	Mr. Rajesh Kumar Mishra, Advocate
	:	Mr. Nalin Vilochan Tiwary, Advocate

(In CRIMINAL MISCELLANEOUS No. 12286 of 2022)

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the State	:	Ms. Asha Devi, APP
For the Informant	:	Mr. Rajesh Kumar Mishra, Advocate
	:	Mr. Nalin Vilochan Tiwary, Advocate



CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-08-2022 **Cr. Misc. No. 11833 of 2022**

Heard learned counsel appearing on behalf of the petitioners, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

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

The petitioners seek bail in connection with Dinara P.S. Case No. 232 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 504, 506 and 302 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 18.08.2020.

The allegation against the petitioners is to commit murder of brother of the informant, alongwith other co-accused persons, alleged to be equipped with deadly weapons like spade, gadasa, rod, lathi etc., for unexplained previous enmity.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is nothing but a free fight, where both parties received injury, as such, it cannot be said that petitioners were under intention to cause death. It is submitted that for



previous enmity, petitioners have been falsely implicated in this case. It is further submitted that allegation, as regard to assault is general and omnibus. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that specific allegation to cause fatal blow is against petitioner no.2, namely, Ritesh Pandit, as per F.I.R., which appears in corroboration with injuries found upon the body of the deceased, while conducting post mortem.

In view of the facts and circumstances, as mentioned above, as specific allegation of fatal blow is against petitioner no.2, namely, Ritesh Pandit, this Court is not inclined to grant bail to the petitioner no.2, as named above.

Accordingly, prayer of bail of petitioner no.2, namely, Ritesh Pandit, is rejected herewith.

As far petitioner no.1 is concerned, allegation is limited only to have '*Rama*' in hand without any further allegation of assault coupled with the fact that chargesheet has



already been submitted, let petitioner no.1, above named, is directed to be released on bail in connection with Dinara P.S. Case No. 232 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 Additional District Judge-XXII, Rohtas at Sasaram/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

Cr. Misc. 12286 of 2022

Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

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

The petitioner seeks bail in connection with Dinara P.S. Case No. 232 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 504, 506 and 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 14.07.2021.

The allegation against the petitioner is to commit murder of brother of the informant, alongwith other co-accused persons, alleged to be equipped with deadly weapons like spade,



gadasa, rod, lathi etc., for unexplained previous enmity.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is nothing but a free fight, where both parties received injuries, as such, it cannot be said that petitioner was under intention to cause death. It is submitted that for previous enmity, petitioner has been falsely implicated in this case, having no overt act, towards alleged assault. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, opposes the prayer of bail but conceded that specific allegation of fatal blow is against co-accused, namely, Ritesh Pandit.

In view of the facts and circumstances, as mentioned above, as there is no overt act attributed to this petitioner, where specific allegation of fatal assault is against co-accused, namely, Ritesh Pandit coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dinara P.S. Case No. 232 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 Additional District Judge-XXII, Rohtas at Sasaram/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

