

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13736 of 2022

Arising Out of PS. Case No.-308 Year-2021 Thana- PAKARIBARAW District- Nawada

SHIV KUMAR @ SHIV KUMAR PANDIT @ SHIV PANDIT S/O BHOLA
PANDIT R/o village- Gangati, P.S.- Pakribrawan, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Pakribrawan P.S. Case No. 308 of 2021, registered for the

offences punishable under Sections 147, 148, 149, 341,

342, 323, 324, 325, 307, 379 and Section 302 of the

Indian Penal Code.

As per allegation, the petitioner along with his

associates assaulted the informant's husband by *lathi*,

danda, *rod etc.*, due to which he died.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case only on the basis of suspicion. The informant is not an eye witness to the occurrence. He also submits that no independent witness has supported the allegation levelled against the petitioner. He further submits that the statement of the informant is not reliable in view of the fact that the deceased was in such an injured condition that he was not in a position to state anything. He also submits that only general and omnibus allegation has been levelled against the petitioner. He further submits that similarly situated co-accused persons have already been enlarged on bail by this Court *vide* orders dated 14.07.2022 and 03.08.2022, passed in Cr. Misc. No. 12373 of 2022 and Cr. Misc. No.13865 of 2022, respectively.

The petitioner is languishing in jail since 01.10.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.



However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Nawada, in connection with Pakribrawan P.S. Case No. 308 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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