

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37761 of 2021**

Arising Out of PS. Case No.-201 Year-2020 Thana- BARGAINIA District- Sitamarhi

Mukesh Pandit @ Mishesh Pandit S/O Jai Narayan Pandit R/o village- Masha
Alam Ward No. 18, P.S.- Bairgania @ Bairganiya, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 28-02-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

The petitioner seeks bail in connection with Bairgania P.S. Case No.201 of 2020 registered for the offence punishable under Section 302, 201/34 of the IPC.

The prosecution case in short is that on 05.11.2020 accused persons namely, Ramsray Sah and Raj Kishore Sah, Bhukhu Sah, Sanjiv Sah Son of Ramsray Sah. Etish Rai. Subhash Rai both sons of Subh Narayan Rai, Mishesh Pandit,



Munna Pandit, both son of Jai Narayan Pandit, Chandan Paswan, Nandan Paswan both son of late Dinkar Paswan, Shrist Das, Mohan Pandit, son of Nathu Pandit, Ramu Pandit Son of Yogendra Pandit. Emrit Das all resident of village Masha Alam ward no.18, Nagar Panchayat Bairgania, District Sitamarhi came to call his brother Subodh Kumar Sah to have some discussion for upcoming election scheduled. Thereafter, the informant slept and on the next morning on 06.11.2020, he heard villagers talking that his brother Subodh Sah has been killed and his dead body is thrown in the Bamboo Orchard of Nathuni Sah. Therefore, he went at the place of occurrence and found his brother was killed or murdered by some people and his dead body was thrown with intention to hide the evidence of murder. Thereby he has alleged that all these people as mentioned above have murdered his brother and have thrown the dead body. Accordingly, he gave the seen by co- information to police administration and the said occurrence has been villagers also.

Learned counsel appearing on behalf of the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that nothing has been specifically alleged against the petitioner in



the FIR and there is general and omnibus allegation against the petitioner. He further submits that there is no eye witness of the alleged occurrence. Learned counsel for the petitioner further submits that charge sheet has been submitted against the petitioner and is in custody since 30.01.2021.

Learned APP for the State on the basis of the material available on the record and the case diary has fairly submits that there is no sufficient material against the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi/successor court in connection with Bairgania P.S. Case No.201 of 2020 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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



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 antecedent, the court below shall take steps 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)

Prakash Narayan /-

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