

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17442 of 2022

Arising Out of PS. Case No.-239 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

ABHISEK PANDIT @ ABHILESH PANDIT Son of Indradeo Pandit @
Munna Pandit @ Indradev Pandit Resident of village - Panditpur, P.S.- Buxar
(M), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3514 of 2022

Arising Out of PS. Case No.-239 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

MUNNA PANDIT @ INDRADEO PANDIT S/o Late Lala Pandit @
Yaduvansh Pandit R/o village- Panditpur, P.S.- Buxar (M), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22854 of 2022

Arising Out of PS. Case No.-239 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

1. RAJKUMAR PANDEY @ RAJ KUMAR PANDIT@ DUDUN PANDIT
AND ANOTHER SON OF LATE LALA PANDIT RESIDENT OF
VILLAGE- PANDIT , P.O- NADAON, P.S- BUXAR MUFFASIL, DIST-
BUXAR
2. NITESH KR. PANDEY @ CHHOTU PANDIT SON OF RAJKUMAR
PANDEY RESIDENT OF VILLAGE- PANDITPUR, P.O- NADAON, P.S-
BUXAR MUFFASIL, DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17442 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 3514 of 2022)



For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 22854 of 2022)
For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 23-12-2022 Heard learned counsel for the parties through video conferencing.

The four petitioners in the three applications have have preferred these applications for grant of regular bail in a case registered under sections 307, 323, 504 and 34 of the Indian Penal Code.

As per the prosecution case, as a result of land dispute it is stated that the named accused persons including the four petitioners herein brutally assaulted the elder brother of the informant who underwent treatment in the hospital for having sustained injuries in the brain. Subsequently the doctor referred him to another hospital. The injured having died in course of treatment, section 302 of the IPC was added subsequently.

It is submitted by learned counsel appearing for the petitioner Abhisek Pandit @ Abhilesh Pandit that the petitioner has been falsely implicated in the case. The cause of death in the postmortem report is cardio respiratory failure due to asphyxia following partial throttling. The death took place 18 hours later in hospital. The allegations are general and omnibus in nature.



The petitioner is in custody since 8.2.2022, has no criminal antecedent and chargesheet has been submitted in case.

On behalf of the petitioner Munna Pandit @ Indradeo Pandit, learned counsel for the petitioner submits that besides the submissions made above on behalf of the co-accused, the petitioner who has no criminal antecedent is in custody since 7.12.2021.

It is submitted by learned counsel appearing for petitioners Raj Kumar Pandit @ Dudun Pandit and Nitesh Kumar Pandey @ Chhotu Pandit that besides the submissions made above, there was an inordinate delay in production of the FIR in the learned court below. No injuries were found on the body of the deceased and even the allegations are general and omnibus in nature. The petitioner Raj Kumar Pandit himself is heavy and bulky and is unable to move around freely. The petitioners are in custody since 22.2 2022 and have no criminal antecedent.

Heard learned Additional Public Prosecutors for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegations against the petitioners wherein all the four petitioners besides others are



said to have participated in the occurrence together with the contents of the postmortem report wherein the death is said to be caused by cardio respiratory failure due to asphyxia following partial throttling, the Court is not inclined to enlarge the petitioners on bail and the applications are rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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