

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38290 of 2021**

Arising Out of PS. Case No.-135 Year-2020 Thana- PALANWA District- East Champaran

HARDEO PANDIT @ MITHU Son of Babulal Pandit Resident of Village -
Mushaharwa, P.S. - Palanwa (Bhelahi O.P.), District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Asha Devi, APP

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

4 02-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Palanwa
(Bhelahi O.P) P.S. Case No. 135 of 2020 registered for the
offence under Sections 302, 201 and 34 of the Indian Penal
Code.

The prosecution case, in short, is that on 01.10.2020,
the informant received information that dead body of a lady is
lying in bamboo clump of Jawaharlal Sah. On this, the
informant went there, where a large number of persons were
assembled, but none of them has identified the said dead body.
The sign of blood oozing was found on the back of the head and
other parts and in right hand of the said dead body name of
Ramu Kumar and Parvati Devi was mentioned through Godana.



Thereafter, the dead body was brought for post mortem examination and several attempt was made to identify the dead body, but the informant could not succeed.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. It is further submitted that the petitioner is not named in the First Information Report. It is further submitted that on the basis of the self confessional statement, the name of the petitioner has been implicated in the present case. It is further submitted that during the course of investigation, nothing has come against the petitioner. It is further submitted that police after investigation submitted a charge sheet against the petitioner and the petitioner is in custody since 11.10.2020.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above name, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxual at Motihari, East Champaran in connection with Palanwa (Bhelahi O.P) P.S. Case No. 135 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 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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