

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29098 of 2022

Arising Out of PS. Case No.-94 Year-2020 Thana- KARTAHA District- Vaishali

Shivanand Pandey S/o Parmanand Pandey R/o village- Ghataro, P.S.-
Kartaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Udbhay, Advocate
For the Opposite Party/s :	Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201, 120B, 34 of the
Indian Penal Code.

According to prosecution case, as per F.I.R. informant
Raushan Kumar solemnized inter caste marriage with Kiran
Kumari due to inter caste marriage family members of
informant's wife were not happy. After few days of marriage
wife was taken away by her family members at her Naihar. After
two days i.e. on 16.12.2020 informant received information that



his wife is being pressurized to remarry another boy of her own caste and she is missing from her Naihar since 2-3 days and he further raised suspicion that either his wife has been remarried or has been killed.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is the father of the deceased namely, Kiran Kumari. He further submits that as per F.I.R. the occurrence took place on 05.09.2020 but the present F.I.R. was instituted on 19.12.2020 without any explanation of delay and there is no eye witness of the alleged occurrence. He further submits that in fact the deceased was suffering from cold attack and started loose motion and vomiting, thereafter she was admitted in Sarvmangla Clinic at Lalganj and the doctor referred her for better treatment to PMCH, Patna but on the way she died. He further submits that during investigation large number of witnesses were examined and they have categorically stated that she received a cold resulting in vomiting and loose motion and during treatment she died. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused,



namely, Suryanand Pandey has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.07.2022 passed in Cr. Misc. No. 4033 of 2022, another co-accused namely, Brahmanand Pandey has been granted bail by a co-ordinate Bench of this Court vide order dated 09.07.2021 passed in Cr. Misc. No. 20206 of 2021 and another co-accused namely, Isha Nand Pandey he is uncle of the deceased has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.08.2022 passed in Cr. Misc. No. 50476 of 2021. The petitioner is in custody since 09.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Kartaha P.S. Case No. 94 of 2020, subject to 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 absence on two



consecutive dates without sufficient reason, his 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.

3. 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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