

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46216 of 2021**

Arising Out of PS. Case No.-31 Year-2021 Thana- BHAGWANPUR District- Kaimur  
(Bhabua)

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DASHRATH PANDEY Son of Late Ramji Pandey Resident of Village-  
Kochari, P.S.- Bhagawanpur, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : M/s Baxi S.R.P. Sinha, Sr. Advocate

Giridhar Gopal Tiwary, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

For the Informant : Mr. Tribhuwan Narayan, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**

ORAL ORDER

3      03-03-2022                      Heard learned senior counsel for the petitioner,  
  
learned APP for the State and learned counsel for the informant.

The petitioner has preferred this application for grant  
of regular bail in a case registered under section 302 and 34 of  
the Indian Penal Code.

As per the prosecution case, it is stated by the  
informant that the petitioner had regularly been threatening the  
father of the informant over transaction of land which had taken  
place between the brother of the petitioner and the informant's  
father. It is stated that on the pretext of irrigation of land the  
father of the informant was taken by the petitioner and in the  
morning it transpired that the informant's father has been killed.

It is submitted by learned senior counsel for the



petitioner that the petitioner has been falsely implicated in the case. There are no eye witness to the occurrence. The witnesses in course of investigation have stated that after the accidental electrocution of the deceased, they had come and informed the petitioner at his residence. The petitioner is in custody since 23.4.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner had been regularly threatening the informant's father over transaction of land and it is as a result of a well planned conspiracy that the father of the informant was called and killed which would be evident from the contents of the postmortem report. It is further submitted that differing from the final report, the learned court below has taken cognizance under sections 302 and 201 of the Indian Penal Code.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material which has transpired in course of investigation, there being no eye witness to the occurrence and the case against the petitioner being one of last seen together with the petitioner having



remained in custody for 10 months, the petitioner is directed to be enlarged on bail in connection with Bhagwanpur P.S. Case no. 31 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua.

**(Partha Sarthy, J)**

Spd/-

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