

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39622 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- ASANWA District- Siwan

Onkar Nath Pandey @ Bashishta Narayan Pandey Son of Late Ram Nakshtra Pandey @ Ram Nichhatra Pandey resident of Village - Pachbeniya, P.S.- Assaw, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. A.G. APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Assaw P.S. Case No. 37 of 2022 lodged under Sections 302, 120B of the I.P.C. read with Section 27 of Arms Act.

As per the prosecution case, the informant has disclosed that his son is Assistant Teacher in middle school. The five named accused persons including the petitioner were sitting in the way to school. As soon as his son reached at about 9:00 AM, all accused persons have surrounded and killed him by fire arms. Learned counsel for the Informant stated that many

persons have seen the said occurrence.

Learned counsel for the petitioner submits that antecedent of the petitioner is clean and he is in custody since 05.03.2022. Learned counsel further submits that from the content of the F.I.R. itself, it transpires that there is a long dispute going on between them. Learned counsel submits that from the date of F.I.R., it transpires that the informant has lodged the F.I.R. on the basis of hearsay material. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that at the time of rejection, the Sessions Court made indication in Para- 19, 100, 145 and 146 in the order sheet that there are material against them. Upon reading the content of the case diary, counsel submits that there is no eye witness of the occurrence rather a strong story to suspicion is there in the F.I.R. from the mouth of the independent witness.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Siwan in connection with Assaw P.S. Case No. 37 of 2022, subject to the

conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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