

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42685 of 2022**

Arising Out of PS. Case No.-8 Year-2022 Thana- BUDHUCHAK District- Bhagalpur

NARAD PANDIT S/O LATE RAM LAKHAN PANDIT Resident of Village-
Sigalbeta, P.S.- Antichak, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

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

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 16-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Budhuchak P.S. Case No. 08 of 2022 registered for the offences
punishable under Sections 302, 201, and 34 of the IPC.

As per prosecution case, the dead body of woman
whose head has been chopped was found.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. His name has been transpired
in the case upon the confessional statement of co-accused,
Navin Mandal. Except confessional statement of co-accused
there is nothing on record to demonstrate the complicity of



petitioner with the alleged occurrence. Learned counsel for the petitioner further submits that petitioner is in custody since 19.03.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no eye witness to the alleged occurrence. Petitioner has a land dispute with confessing co-accused, Navin Mandal and so he has been falsely implicated in the case. Learned counsel for the petitioner further submits that the impugned order has been written in detail in which confessional statement of co-accused, Navin Mandal has not indicated anything regarding the present petitioner except the suggestion for killing the wife of co-accused, Navin Mandal. He further submits that as per confessional statement of co-accused Navin Mandal the specific overt act for killing wife of the co-accused is against co-accused Bhuneshwar Mandal and Patwari Mandal.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of



tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Budhuchak P.S. Case No. 08 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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