

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41493 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- SIRDALA District- Nawada

JITENDRA PANDIT S/O GULAB PANDIT Resident of village- Baniya
Bigha, P.S.- Govindpur and District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar-II, Advocate.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2022 Today this case has been listed on the motion slip
filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Manish Kumar-II, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Sirdalla (Meskaur) P. S. Case No. 222 of
2022 registered for the offences punishable under Sections 302,
379, 427 and 34 of the Indian Penal Code.

The prosecution case is based on a written
complaint filed by the informant alleging therein that on
13.05.2022 at about 11:30 P.M. all the F.I.R. named accused



persons including the petitioner came to the house of the informant and forcibly took away his brother Sunil Kumar and when the informant and his family members tried to protest, they assaulted them and tried to molest the female members. It is also alleged that some female members and unknown persons were standing on the door with *Gadasa* and obstructed them due to which they remained in the house, in the meanwhile, they took away his brother and killed him. In the morning, when the informant started searching, he received a phone call that his brother is lying dead.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that the allegation has been levelled against nine named accused persons and other unknown persons with general and omnibus allegation. Learned counsel for the petitioner draws the attention of this court towards annexure 2 showing the marriage card of the petitioner suggesting that the marriage of the petitioner was solemnized on 09.05.2022 and submits that just after the marriage the petitioner being son-in-law of Vijay Kumar Pandit came to his *susral* and in the meantime, some occurrence took place and he being only son-in-law of Vijay Kumar Pandit, his name has been implicated in this case, though



he has nothing to do with the present crime. It is next submitted that save and except the allegation that all the accused persons came and took away the brother of the informant, there is neither any allegation nor any eye-witness to the alleged occurrence that the co-accused persons have caused the death of the brother of the informant. It is also submitted that the petitioner, having fair antecedent, is in custody since 15.05.2022 and moreover, after completion of the investigation, the charge sheet has been submitted. It is lastly submitted that even during the course of investigation, no material has come against the petitioner showing his complicity as it would also be evident from the impugned orders.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that all the accused persons including the petitioner in furtherance of common intention entered into the house of the informant and took away his son, thereafter, he was found dead.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from the fact that the petitioner having fair antecedent is in custody since 15.05.2022 and after completion of the investigation, the charge sheet has been



submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Nawada in connection with Sirdalla (Meskaur) P. S. Case No. 222 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

