

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56832 of 2021**

Arising Out of PS. Case No.-228 Year-2019 Thana- BELHAR District- Banka

Dashrath Pandit Son of Devi Pandit Resident of Village- Hadhadiya, P.S.-  
Lakshmipur, District- Jamui (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar, Adv

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

5      13-09-2022                      Let the defects, if any, be removed within four  
weeks from today.

Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in  
connection with P.S.Case No. 228 of 2019 for the offences  
punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is based on the fardbeyan of  
chawkidar of Belhar Police Station alleging therein that on  
an information that a dead body was lying near Chatrahan  
village, he reached on the spot and found that the deceased  
had died having gun shot injury. In course of search of the  
dead body , a mobile phone was recovered which revealed



the identity of the deceased as Prameshwar Pandit. Further a live cartridge was also recovered from the pocket of the deceased. On query from the local people, he came to know that 3 to 5 other miscreants came to theft at night, on hulla, the miscreants made firing to create panic but unfortunately, the deceased sustained gun shot injury by his associates and died.

Learned counsel for the petitioner is not named in the FIR. However, during the course of investigation, the statement of the father and wife of the deceased were recorded by the police on 03.01.2021, that is almost after delay of one year five months wherein they have stated that on 28.07.2019, one Ashok Pandit along with two others including the petitioner took away his son and thereafter, his dead body was found near the village Chatrahan. He further submits that it has also come that the deceased had found involved in seven another criminal cases, he might have been killed by any other persons but only on account of land dispute which was pending between both the family, the name of the petitioner has been implicated in this case.

On the other hand, learned counsel for the State



opposed the bail application of the petitioner.

Regard being had to the materials available on the record as well as fact that the FIR has been instituted against the unknown persons and the name of the petitioner has surfaced in the statement of the father and wife of the deceased after more than one year five months, apart from the petitioner having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 228 of 2019 subject to the condition that one of the bailors will be the close relatives 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)**

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