

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58228 of 2021

Arising Out of PS. Case No.-116 Year-2021 Thana- SINGHIYA District- Samastipur

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SUNIL PANDIT Son of Buteli Pandit Resident of Village- Bara Ward No. 10,
P.S.- Singhiya, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2022 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. Vinay Kumar Mishra, 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 Singhiya P. S. Case No. 116 of 2021

registered for the offences punishable under Sections 302 and

394/34 of the Indian Penal Code and Section 27 of the Arms

Act.

The prosecution case is based on a written report,



alleging therein that the son of the informant was working as C.S.P. of State Bank of India under Aditya Singh, but due to less payment, he left the job of Aditya Singh and for more than one year he had been working with Raj Kumar Purvey as C.S.P. It is also alleged that on 13.07.2021, Aditya Kumar Singh @ Manoj Singh came at his house and demanded money from his son but his son told him that his father took the money and he will pay him due to which co-accused Aditya Kumar Singh @ Manoj Singh threatened him and on 14.07.2021, in the evening, when his son was coming from the bank, in the meantime, some miscreants surrounded him and looted his money and shot him dead.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against Aditya Kumar Singh @ Manoj Singh along with some unknown miscreants and the petitioner is neither named in the FIR nor even suspicion has been raised against him. It is also submitted that the petitioner had neither any concerned with the working of the deceased nor with co-accused Aditya Kumar Singh @ Manoj Singh against whom there is specific allegation has been levelled that he threatened him with dire consequences. It is further submitted that during the course of investigation, a spy



of the police disclosed that on the alleged date of occurrence the petitioner was found moving along with some unknown persons near the C.S.P. shop and he had also made conversation with one Nityanand Pandit and save and except the aforesaid facts, there is no other materials suggesting the complicity of the petitioner in the present crime. During the course of investigating co-accused Nityanand Pandit was arrested and the name of the petitioner has also surfaced on the confessional statement made by him. It is next submitted that the petitioner having fair antecedent, is in custody since 27.07.2021 and in fact, on the alleged date of occurrence, he was living in Dharbhanga for the purpose of his study.

On the other hand, learned APP for the State opposes the bail application and submits that co-accused Nityanand Pandit has confessed about the involvement of the petitioner along with him and Call Details Report also suggests that they were in touch and this petitioner was also found near the place of occurrence.

Regard being had to the submissions made on behalf of the parties and taking into account the nature of materials available on record based on suspicion and confessional statement, without any cogent evidence, apart from



the fair antecedent of the petitioner and his period of incarceration, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-5th, Rosera, Samastipur in connection with Singhiya P. S. Case No. 116 of 2021, 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)

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