

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65023 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- BELSAND District- Sitamarhi

1. KASHI PANJIYAR @ KASHI SAH Son of Jangi Sah Village - Chandauli, P.S.- Belsand, Dist.- Sitamarhi.
2. Bavi Panjiyar @ Bavi Kumar @ Babbi Panjiyar @ Babbi Kumar Son of Kashi Panjiyar @ Kashi Shah Village - Chandauli, P.S.- Belsand, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66840 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- BELSAND District- Sitamarhi

1. RAMASHISH PANJIYAR S/O LATE KHELAWAN PANJIYAR R/o village- Chandauli, P.S.- Belsand, District- Sitamarhi
2. Mukesh Panjiyar S/o Ramashish Panjiya R/o village- Chandauli, P.S.- Belsand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65023 of 2021)

For the Petitioner/s : Mr. Sangeet Deokuliari, Advocate

For the Opposite Party/s : Mr. APP

(In CRIMINAL MISCELLANEOUS No. 66840 of 2021)

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 29-06-2022

IN CR. MISC. No.65023 of 2021

Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioners seek bail in connection with Belsand P.S. Case No. 59 of 2021 registered for the offence under Sections 341, 323, 324, 325, 302, 504 and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 27.08.2021.

The allegation against the petitioners is to commit murder of mother of informant along with other co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that nature of allegation as regard to the assault is very much general and omnibus against the petitioners. It has further been submitted that true facts of the occurrence is nothing but free fight between the parties, where, both the parties have received injuries for which a counter case vide Belsand P.S. Case No. 60 of 2021. It has further been submitted that the disputed founded over the next door neighbours of the deceased in connection with drainage. It has further been submitted that the petitioners are men of clean antecedent and moreover, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.



While concluding the argument, it has further been submitted that similarly situated co-accused has already been granted bail by a learned co-ordinate Bench through Cr. Misc. No. 70545 of 2021 dated 18.01.2022.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded the fact that allegation as regard to the assault is very much general and omnibus against the petitioners.

Learned counsel for the informant submitted that criminal antecedent of the petitioner no.2, Bavi Panjiyar @ Babi Kumar @Babbi Panjiyar @ Babbi Kumar is appearing doubtful and the same be verified at the time of furnishing bail bond of the petitioner no.2 before the court below.

Considering the facts and circumstances as mentioned above, as regard to the allegation of assault is very much general and omnibus against the petitioners coupled with the fact that charge-sheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Belsand P.S. Case No. 59 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Sitamarhi, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(ii) If the petitioners tamper with the evidence or the witnesses, in that event, trial court shall be at liberty to cancel the bail bond of the petitioners.

(iii) That one of the bailors shall be Naresh Sah, who is the brother of petitioner no.1 and deponent of the present bail petition.”

(iv) That criminal antecedent of petitioner no.2 shall be verified at the time of furnishing bail of petitioner no.2, namely, Bavi Panjiyar @ Bavi Kumar @ Babbi Panjiyar @ Babbi Kumar and if it is found that the criminal antecedent of petitioner no.2 is contrary to the affidavit of present bail petition then bail bond of petitioner no.2, Bavi Panjiyar @ Bavi Kumar @ Babbi Panjiyar @ Babbi Kumar shall not be accepted.



IN CR. MISC. NO. 66840 OF 2021

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Belsand P.S. Case No. 59 of 2021 registered for the offence under Sections 341, 323, 324, 325, 302, 504 and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and petitioner no.1 is in custody since 10.06.2021 and petitioner no.2 is in custody since 27.08.2021.

The allegation against the petitioners is to commit murder of mother of informant along with other co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that nature of allegation as regard to the assault is very much general and omnibus against the petitioners. It has further been submitted that true facts of the occurrence is nothing but free fight between the parties, where, both the parties have received injuries for which a counter case vide



Belsand P.S. Case No. 60 of 2021. It has further been submitted that the disputed founded over the next door neighbours of the deceased in connection with drainage. It has further been submitted that the petitioners are men of clean antecedent and moreover, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence. While concluding the argument, it has further been submitted that similarly situated co-accused has already been granted bail by a learned co-ordinate Bench through Cr. Misc. No. 70545 of 2021 dated 18.01.2022.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded the fact that allegation as regard to the assault is very much general and omnibus against the petitioners.

Considering the facts and circumstances as mentioned above, as regard to the allegation of assault is very much general and omnibus against the petitioners coupled with the fact that charge-sheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Belsand P.S. Case No. 59 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(ii) If the petitioners tamper with the evidence or the witnesses, in that event, trial court shall be at liberty to cancel the bail bond of the petitioners.

(iii) That one of the bailors shall be Menka Kumari, who is the daughter of petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R. S. Sen/-

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