

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60846 of 2021

Arising Out of PS. Case No.-151 Year-2021 Thana- NAANPUR District- Sitamarhi

1. JOGINDRA PANDIT S/O GIRJAN PANDIT RESIDENT OF VILLAGE-
BIRAR P.S.- NANPUR DISTRICT- SITAMARHI
2. KAMALDEV PANDIT SON OF GIRJAN PANDIT RESIDENT OF
VILLAGE- BIRAR P.S.- NANPUR DISTRICT- SITAMARHI
3. FEKAN PANDIT SON OF RAM SAKAL PANDIT RESIDENT OF
VILLAGE- BIRAR P.S.- NANPUR DISTRICT- SITAMARHI
4. BADRI PANDIT S/O RAM SAKAL PANDIT RESIDENT OF VILLAGE-
BIRAR P.S.- NANPUR DISTRICT- SITAMARHI
5. BIPAT MAHTO S/O BUJHAWAN MAHTO RESIDENT OF VILLAGE-
BIRAR P.S.- NANPUR DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68499 of 2021

Arising Out of PS. Case No.-151 Year-2021 Thana- NAANPUR District- Sitamarhi

YUGAL PANDIT Son of Kailash Pandit Resident of village - Birar, P.S.-
Nanpur, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60846 of 2021)

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Mukeshwar Dayal

(In CRIMINAL MISCELLANEOUS No. 68499 of 2021)

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 05-05-2022 Heard learned counsel appearing on behalf of the

petitioners, learned counsel appearing on behalf of the



informant and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners seek regular bail in connection with Nanpur P.S. Case No. 151 of 2021 registered for offences punishable under Section 302/34 of the Indian Penal Code.

Prosecution story in brief is that on 10.05.2021 at about 9:00 p.m., while the son of the informant namely, Babloo Kumar was playing cricket in front of the house of one Chhotan Mahto, all the accused persons named in the FIR including the petitioners started abusing and assaulting him. Chhotan Mahto had assaulted the son of the informant by means of *khanti* on his head due to which he fell down on the ground and succumbed to the injuries. The victim was taken to hospital where he was declared dead by the doctor.

Learned counsel appearing on behalf of the petitioners submits that there is general and omnibus allegation against the petitioners. There is direct allegation against co-accused Chhotan Mahto, who had assaulted the son of the informant on his head by means of *khanti*. Petitioners have no criminal antecedent. Petitioner no.1 is in custody since 05.09.2021 and petitioner nos. 2 to 5 are in custody since 10.09.2021. Petitioner



Yugal Pandit is in custody since 20.09.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioners.

Considering the general and omnibus allegation made against the petitioners, petitioners appear to be members of the mob, direct allegation of assault is against co-accused Chhotan Mahto who by means of *khanti* had assaulted the victim on his head due to which he sustained injury and had died on the spot, there is no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded soon.

The petitioners, above named, are directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Pupri at Sitamarhi in connection with Nanpur P.S. Case No. 151 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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