

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11145 of 2023

Arising Out of PS. Case No.-59 Year-2020 Thana- KHUDWA District- Aurangabad

Chunmun Pandey Son of Siyaram Pandey Resident of Village- Ahirari, P.S.-
Khudwa, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
17.09.2022 in connection with Khudwa P.S. Case No. 59 of
2020, F.I.R. dated 14.09.2020 for the offences punishable under
Sections 306/34 of the Indian Penal Code.

According to prosecution case, a fardbyan was
recorded before police on 14.09.2020 to the effect that at present
the informant resides with family in Gaya and he is engaged in
milk business by running Khatal and he is permanent resident of
village Ahirari, P.S. Khudwa, Aurangabad, about a week ago his
three sons namely (i) Nandan Pandey (ii) Chandan Pandey and
(iii) Chunmun Pandey came to village for work of the school. It
is further stated that on 14.09.2022 in the morning, his son
Chandan Pandey was playing game by taking Mobile of



Ramanjay Panday. It is said that when Ramanjay Pandey demanded his mobile, Chandan Pandey hide the mobile in rice. Upon that, the petitioner and Ramanjay scolded and assaulted Chandan then he gave mobile. It is said after some time Chandan committed suicide in the house. Then informant came and suspected that due to torture by named accused persons, Chandan committed suicide.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and in fact the petitioner is the elder brother of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 17.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M.,



Daudnagar, Aurangabad, in connection with Khudwa P.S. Case No. 59 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Aditi/Vikas

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(Rajesh Kumar Verma, J)

