

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8493 of 2023

Arising Out of PS. Case No.-29 Year-2019 Thana- RASULPUR District- Saran

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Aditya Kumar Pandey @ Rishu Pandey @ Aditya Pandey Urf S/O Munna Pandey @ Vidhyashankar Pandey R/v- Dhamaikhor, P.S.- Asanwa, District-Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard Mr. Prince Kumar Mishra, learned counsel
for the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since 04.11.2020, in connection with Rasulpur P.S. Case No. 29 of 2019, F.I.R. dated 04.03.2019 registered for the offences punishable under Sections 302/120(b)/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, niece of the informant informed the informant that husband of the informant has been killed by two unknown persons in the shed situated in front of the house of Kashinath Tiwari. The informant suspects that due to old enmity, F.I.R. named persons including this petitioner



killed her husband.

Learned counsel for the petitioner submits that the petitioner carries five more cases other than the present one in which he is on bail in all the cases as stated by learned counsel for the petitioner. He further submits that the petitioner has been falsely implicated in the present case and the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely Suman Singh @ Sumant Singh. He further submits that except the confessional statement of co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the co-accused namely Vikash Tiwari @ Vikas Tiwari has been granted bail by a Coordinate Bench of this Court vide order dated 04.06.2020 passed in Cr. Misc. No. 18159 of 2020, another co-accused person namely Suman Singh @ Sumant Singh who has implicated the petitioner in the present occurrence has been granted bail by a Coordinate Bench of this Court vide order dated 09.02.2021 passed in Cr. Misc. No. 40572 of 2020. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.01.2020.



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

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IXth, Saran, Chapra in connection with Rasulpur P.S. Case No. 29 of 2019, 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 witness, 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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