

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19281 of 2023

Arising Out of PS. Case No.-1063 Year-2019 Thana- MADHEPURA District- Madhepura

Jagdish Pandit S/O Fanaklal Pandit Resident of Village- Betauna, Ward No.-
10, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
19.02.2023 in connection with Madhepura (Bharrahi OP) P.S.
Case No. 1063 of 2019, F.I.R. dated 30.12.2019 for the offences
punishable under Sections 147, 148, 149, 341, 324, 307 and 379
of the Indian Penal Code.

According to prosecution case, this petitioner along
with other accused persons armed with deadly weapon were
constructing the house over the land of the informant by force.
On protest by the informant, they started abusing and assaulting



the informant by means of khanti due to which he sustained several injuries. It is further alleged that the accused persons have also assaulted the brothers of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and due to admitted land dispute, he has falsely been implicated in the present case. He further submits that there is case and counter case between the parties and both sides have sustained injuries. He further submits that it appears from the F.I.R. that there is no specific allegation of assault or overt act against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that injury report of Naresh Sah suggests that the injury is simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Shiv Pandit and Vijay Pandit have been granted bail by learned Sessions Judge, Madhepura in B.P. No. 57 of 2020 on 28.01.2020 and co-accused, namely, Shambhu Pandit has been granted anticipatory bail by learned Sessions Judge, Madhepura in A.B.P. No. 148 of 2020 on 11.02.2020. The petitioner is in custody since 19.02.2023.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

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 Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi OP) P.S. Case No. 1063 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 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.

(Rajesh Kumar Verma, J)

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