

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 25552 of 2022

Arising Out of PS. Case No.-66 Year-2020 Thana- NAANPUR District- Sitamarhi

SURENDRA PANDIT Son of Late Kishun Pandit Resident of village -
Brahmaul, P.S.- Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Pushpendra Kumar Singh, Advocate
For the S t a t e	:	Mr Dinesh Singh, APP
For the I n f o r m a n t	:	Mr Manoj Kumar Singh, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 09-02-2023 Heard learned counsel for the petitioner, learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar and learned counsel for the informant.

The petitioner seeks bail in Nanpur Police Station (for brevity, **PS**) Case No 66 of 2020 dated 03.03.2020 initially registered for the offence punishable under Sections 363, 365 of Indian Penal Code (for brevity, **IPC**) but later on added with Sections 302, 201/34 of IPC.

Specific allegation levelled in the First Information Report (for brevity, **FIR**) is that the informant's brother went to the petitioner's house where after he has not returned. Allegation has been levelled that, perhaps, he has been kidnapped.

Learned counsel for the petitioner submits that the FIR has been lodged two days after the brother of the informant went missing. Even, as per prosecution case, victim had gone to meet the petitioner's son and by virtue of being father of Nand Kishore Pandey, the petitioner has been implicated. Motive is also assigned against the petitioner's son as it is stated that he was objecting the



intimate relationship of the deceased with the petitioner's daughter. It is further submitted that the petitioner is about 58 years of age and he is in custody since 03.01.2022, having no antecedent.

Learned APP as well as learned counsel for the informant have made submissions opposing the prayer for bail. Learned APP has assisted the Court with reference to the case diary based on which it is submitted that blood has been found on the roof top of the instant petitioner's house. The petitioner's own daughter has been examined under Section 161 of Criminal Procedure Code wherein the fact of the petitioner and his son, being hostile towards the deceased on account of his intimate relationship with the petitioner's daughter, has emerged. As per post mortem report, the death has occurred on account of shock and haemorrhage due to the multiple assaults sustained by the deceased.

Considering the rival submissions, material on record including the statement of the instant petitioner's daughter, this Court, for the present, is not inclined to allow the prayer for bail. The same is rejected.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

