

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27656 of 2023

Arising Out of PS. Case No.-187 Year-2022 Thana- MADHUBAN District- East Champaran

DIPAK KUMAR PANDEY @ DIPAK PANDEY @ ABHISHEK KUMAR
PANDEY Son of Dharmnath Pandey @ Bhola Pandey Resident of Village -
Vishunpur Talimpur, P.S.- Madhuban, District - East Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 31-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 02.02.2023 seeks
bail, in connection with Madhuban P.S. Case No.187/2022,
dated 02.05.2022, for the offences punishable under Sections
302, 376 and 34 of the IPC.

3. According to prosecution case, the petitioner is
alleged to have committed murder of the deceased by pressing
her neck.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the allegation as alleged in the F.I.R. is false
and fabricated and it appears that the informant is not an



eyewitness of the alleged occurrence. He further submits that if he has seen the occurrence why he has not raised alarm and not protested at all at the time of occurrence and the postmortem report of the deceased does not support the allegation as alleged in the F.I.R. He further submits that there is no sign of rape found on the person of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 02.02.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and apart from that the petitioner has carried two criminal antecedent other than the present one.

6. 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 C.J.M., Motihari, East Champaran in connection with Madhuban P.S. Case No.187/2022, 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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