

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35613 of 2023

Arising Out of PS. Case No.-201 Year-2020 Thana- BARGAINIA District- Sitamarhi

RAMU PANDIT S/O YOGENDRA PANDIT R/O Village- Mashaalam, P.S.-
Bairganiya, Dist.-Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 21-07-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Bairgania Police Station Case No. 201 of 2020, dated 06.11.2020, disclosing offences under Sections 302/201/34 of the Indian Penal Code.

3. The prosecution case, on the basis of the First Information Report, is that on 05.11.2020, fourteen accused persons including the petitioner, arrived at the house of the informant and took his brother, namely, Subodh Kumar Sah, for the purpose of some discussion with regard to the upcoming election and on the next morning, on 06.11.2020, dead body of the informant's brother was found.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner



alleged and on the date of occurrence he was busy in the election duty assigned to him by the District Election Officer and this fact has come to light during the investigation. He next submits that the police, after investigation, has submitted final form exonerating the petitioner, not sending him for trial, however, learned Magistrate has differed with the final form and has taken cognizance against the petitioner.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the police, after investigation, has submitted final form not sending the petitioner for trial, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, Sitamarhi, in connection with Bairgania Police Station Case No. 201 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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