

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43085 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- TANDWA District- Aurangabad

Birendra Pathak S/O Late Kailash Pathak R/O Village- Upadhya Bigha,
Ps.Tandwa, Dist.Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-07-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Tandwa P.S. Case No. 46 of 2023 dated 27.03.2023 registered for the offences punishable u/s 302 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, when the informant's uncle was grazing his buffalo near Amrut *Ahar* then the petitioner and the co-accused persons came and started abusing



and assaulting the informant with *lathi* and *danda* leading to his death on the spot.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Learned counsel has further submitted that the informant's uncle died due to several ailments. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 28.03.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody and the allegation being general and omnibus, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Aurangabad in connection with Tandwa P.S. Case No. 46 of 2023, with the condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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