

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47796 of 2023

Arising Out of PS. Case No.-165 Year-2016 Thana- PAKRIDAYAL District- East Champaran

1. Muneshwar Pandit, male, aged about 48 years.
 2. Bhuneshwar Pandit, aged about 32 years (male), both son of Jialal Pandit.
 3. Bachchan Pandit @ Bachan Pandit, aged about 45 years (male).
 4. Mahendra Pandit, aged about 70 years (male), both son of Gopal Pandit.
 5. Sakaldeep Pandit, aged about 65 years (male), son of Bahadur Pandit.
 6. Kapildeo Pandit, aged about 50 years, (male), son of Khelawan Pandit.
 7. Jailal Pandit, aged about 55 years (male), son of Ramashray Pandit.
- All resident of Village- Thikahan Banker Ps- Pakaridayal Dist- East Cham-
paran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party	:	Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Pakridayal P.S. Case No. 165 of 2016 dated 23.11.2016, in-
stituted for the offence punishable under Sections 302 & 34 of
the Indian Penal Code.

3. The prosecution case, in short, is that on 21.11.2016
at about 06:00 pm, the informant alleged that the accused per-
sons set fire the *kharpatwaar* in Khata No. 225, Plot No. 3510.



Upon this, informant's husband made complain against accused persons before local Mukhiya. In the meantime, on 23.11.2016, Jagarnath Mukhiya, his wife and his sons, namely, Mahesh Mukhiya and Naresh Mukhiya went to cultivate the land. After cultivating, when the informant's husband reached at Gol Gachhi then all the accused persons, namely, Muneshwar Pandit, Bachan Pandit, Mahendra Pandit, Sakaldip Pandit, Kapildeo Pandit and Jailal Pandit was started assaulting and pressed his neck due to which, he died.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. They have been made accused in this case due to previous enmity and dirty village politics. As per the F.I.R., all accused persons have assaulted with *lathi* and other weapon. They pressed his neck due to which he died but as per the postmortem report, no external injury was found on the body of the deceased. It is further submitted that after investigation police submitted final form and the accused persons were not sent up for trial but the learned Magistrate differing with the final report has taken cognizance under Section 302/34 of the Indian Penal Code. Lastly, it is submitted that the petitioner nos. 3 to 6 have no criminal antecedents, whereas, petitioner no. 1



has two criminal cases pending against him and petitioner nos. 2 & 7 have one criminal case pending against them.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Pakridayal P.S. Case No. 165 of 2016, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Motihari East Champaran, subject to conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Khatim Reza, J)

Gaurav Kumar/-

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