

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48066 of 2022

Arising Out of PS. Case No.-143 Year-2022 Thana- BARUN District- Aurangabad

VIDYA SAGAR PANDEY Son of Late Murlidhar Pandey @ Murari Pandey
Resident of Village - Mohanganj, P.S. - Barun, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Leelawati Kumari, Adv.
For the Opposite Party/s	:	Mr.Arvind Kumar Pandey, APP
For the Informant	:	Mr.Vishwajeet Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 20-03-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 302/34 of the IPC.

Allegedly, the petitioner is said to have committed murder
of the husband of the informant.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case. No such occurrence, in
the manner as alleged, has ever taken place. It is submitted that
the alleged occurrence is said to have taken place on 17.02.2022
but the F.I.R. has been lodged on 14.04.2022 i.e. after delay of
more than one and a half month, without giving any plausible



explanation, which itself creates doubt about the prosecution case. It is further submitted that the postmortem report and the Viscera report have not supported the prosecution case and there is no eye-witness of the alleged occurrence. Petitioner has four criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that this is a case of last seen theory.

Having regard to the facts and circumstances of the case and considering that there is no eye-witness of the alleged occurrence, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Barun P.S. Case No.143/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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