

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52798 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- SHAMBHUGANJ District- Banka

Bablu Kumar Pandey @ Babloo Kumar Pandey @ Bablu Pandey Son Of
Birendra Pandey Resident Of Village - Rutpai, Police Station - Shambhuganj,
District - Banka

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP
For the Informant	:	Mr. Binay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
16.03.2023 in connection with Shambhuganj P.S. Case No. 77
of 2023, F.I.R. dated 15.03.2023 for the offences punishable
under Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons have murdered the father of the
informant due to admitted land dispute between the parties.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of suspicion.



He further submits that the informant is not the eye witness of the alleged occurrence and due to previous admitted land dispute, the petitioner has been implicated in the present false and fabricated case. He further submits that except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Jai Kumar Pandey has been granted bail by a co-ordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 45825 of 2023 and co-accused, namely, Jagat Narayan Pandey has been granted bail by a co-ordinate Bench of this Court vide order dated 07.07.2023 passed in Cr. Misc. No. 38946 of 2023. The petitioner is in custody since 16.03.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

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 Chief



Judicial Magistrate, Banka in connection with Shambhuganj P.S.

Case No. 77 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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