

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53488 of 2022**

Arising Out of PS. Case No.-50 Year-2022 Thana- WARISNAGAR District- Samastipur

1. ANIL PANDIT S/o RAM DEO PANDIT Resident of Village - Gohi, P.S.- Warisnagar, Distt- Samastipur
2. Rajeev Pandit S/o Baleshwar Pandit Resident of Village- Gohi, P.S.- Warisnagar, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59016 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- WARISNAGAR District- Samastipur

SANTOSH SAH Son of Late Sahdev Sah Resident of village - Gohi, P.S.- Warishnagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53488 of 2022)

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Uday Chand Prasad

(In CRIMINAL MISCELLANEOUS No. 59016 of 2022)

For the Petitioner/s : Mr.Md. Hussamuddin Azad

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

5 10-11-2023

Re:- Cr. Misc. 53488 of 2022.

Heard the learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioners seek bail in connection with



Warisnagar P.S. Case No. 50 of 2022 registered for the offence under Sections 147, 148, 149, 341, 342, 323, 324, 307, 379, 504 of the Indian Penal Code and later Section 302 of the Indian Penal Code was added.

4. As per the prosecution case, the allegation against the petitioners is that they have assaulted the deceased.

5. Learned counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is no allegation by the prosecution of tampering with the evidence by the accused persons and there is general and omnibus allegation against all the accused persons of assaulting the deceased.

6. Learned counsel for the petitioners also submits that the petitioner is in custody since 16.03.2022.

7. Learned A.P.P. has vehemently opposed the prayer for bail by contending that the charges have been framed and the trial has already began and two witnesses have already been examined.

8. Considering the fact that the trial has started and the petitioners have remained in custody for more than 1.5 years and also considering the fact that there is general and omnibus allegation against all the accused persons of assaulting the



deceased and he died after 36 hours during his treatment, this application for regular bail is allowed.

9. Let the petitioners, 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 Additional Chief Judicial Magistrate, Samastipur in connection with Warisnagar P.S. Case No. 50 of 2022.

Re:- Cr. Misc. 59016 of 2022.

Heard the learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. Let the defect(s), if any, be removed within a period of four weeks from today.

3. The petitioner seeks bail in connection with Warisnagar P.S. Case No. 50 of 2022 registered for the offence under Sections 147, 148, 149, 341, 342, 323, 324, 307, 379, 504, 506 and 302 of the Indian Penal Code.

4. As per the prosecution case, the allegation against the petitioner is that he has assaulted the deceased.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no allegation by the prosecution of tampering with the evidence by the accused



persons and there is general and omnibus allegation against all the accused persons of assaulting the deceased.

6. Learned counsel for the petitioner also submits that the petitioner is in custody since 09.06.2022.

7. Learned A.P.P. has vehemently opposed the prayer for bail by contending that the charges have been framed and the trial has already begun and two witnesses have already been examined.

8. Considering the fact that the trial has started and the petitioner has remained in custody for a period of about 1.5 years and also considering the fact that there is general and omnibus allegation against all the accused persons of assaulting the deceased and he died after 36 hours during his treatment, this application for regular bail is allowed.

9. 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, Samastipur in connection with Warisnagar P.S. Case No. 50 of 2022.

(Sandeep Kumar, J)

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