

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56874 of 2023

Arising Out of PS. Case No.-228 Year-2019 Thana- BELHAR District- Banka

ASHOK PANDIT Son of Late Votha Pandit Resident of Village-Hadhadia,
P.S.-Laxmipur, P.O.-Dighi, District-Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Belhar P.S. Case No. 228 of 2019 registered under Sections 302/34 of the Indian Penal Code and section 27 of the Arms Act lodged on 30.07.2019 by the informant, Janki Yadav.

As per the prosecution story, the allegation is that ‘Chowkidar’ got information about the presence of the dead body went there and saw the dead body and found a cartridge present in his pocket. Further, they got information from locals that some miscreants had gathered to commit theft and to create panic, the accused themselves opened fire which hit one of their associate whereafter they fled away. Accordingly, the FIR.

It is the case of the petitioner that FIR is against



unknown and one and half years later due to land dispute, the father and wife alleged that this petitioner along with others had taken the son whereafter the dead body was found. He however, admits that the petitioner has criminal antecedent.

Learned APP, on the other hand, submits that the allegation is of 2019 and even going by the allegation of deceased's father and wife, his name cropped up in 2021 but he chose to evade arrest for next two years and as such, he opposes the prayer for bail

Considering the submissions put forward by the learned counsel for the parties, the case is against unknown after almost one and half years, the name of the petitioner has cropped up, this Court is inclined to grant him privilege of bail after framing of charge.

Let the petitioner be released on bail after framing of charge on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 228 of 2019 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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