

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55453 of 2022

Arising Out of PS. Case No.-108 Year-2020 Thana- SHAHKUND District- Bhagalpur

PANDAV KUMAR Son of Upendra Singh @ Upendra Prasad Singh R/V-
Jagarnathpur, P.S- Shakhund (Sajour) Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code.

According to prosecution case, the petitioner along
with other co-accused persons are said to have assaulted the
husband of the informant with Farsha, Gadasha, lathi and danda
and later on he died during course of treatment.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. that the date of occurrence as alleged in the
F.I.R. was 29.05.2020 but the present F.I.R. has been instituted



on 01.06.2020, after a delay of three days without giving any explanation of delay in the F.I.R. He further submits that the informant alleged in the F.I.R. that the petitioner and other co-accused persons have assaulted to the husband of the informant by different weapons and the same is informed by the informant's husband to the informant. He further submits that the present case is based on hearsay evidence and during investigation, no cogent material has come against the petitioner and the similarly situated, co-accused, namely, Pinku Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 31.08.2022 passed in Cr. Misc. No. 20863 of 2022 and co-accused namely, Prakash Singh has been granted bail vide order dated 15.03.2023 passed in Cr. Misc. No. 1275 of 2023. The police after investigation submitted the charge sheet and the petitioner is in custody since 07.03.2022.

The learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner.

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 Court



below where the case is pending in connection with Shahkund
(Sajour) P.S. Case No. 108 of 2020, subject to the following
conditions:-

1. 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.

2. 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.

3. 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)

amit/-

U		T	
---	--	---	--

