

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60707 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- KOPA District- Saran

HEMANT PANDIT S/O Mainajar Pandit R/O Village- Piluee, P.S- Daudpur,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nalin Vilochan Tiwary
For the Opposite Party/s	:	Mr. Ashok Kumar Singh
For the Informant	:	Mr. Krishna Kumar Yadav

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Kopa
P.S. Case No. 106 of 2022, registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 364,
302 and 201 of the Indian Penal Code.

The prosecution case as emerging from the FIR is
that on 02.06.2022 at about 03:00 P.M., the sister of the
informant went to Daudpur Bazar to buy Langha but did not
return home. It is further alleged that a dead body was
found near Kopa Police Station and when the informant
reached there and the Police showed her the photographs of



the dead person, she was identified by the informant as her sister. It is also alleged that there was land dispute between the informant and one Kamaldeo Yadav and Sonu Yadav.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR and his name has transpired only in the confessional statement of other co-accused Deepak Kumar Mahto, besides the alleged confessional statement of himself. He also submits that even after investigation there is no material to connect the accused-petitioner with the alleged offence.

He further submits that the petitioner has been languishing in jail since 19.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate Ist Class, Saran at Chapra in connection with Kopa P.S. Case No. 106 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ashishkr/-

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

