

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71955 of 2022

Arising Out of PS. Case No.-40 Year-2020 Thana- NAUTAN District- Siwan

BANWARI PANDIT Son of Late Jagarnath Pandit Resident of village -
Hasua, P.S.- Nautan, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Adv.
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Prashant Kumar, Adv.
		Mr. Shashank Shekhar Dubey, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
29.06.2022 in connection with Nautan P.S. Case No. 40/2020,
F.I.R. dated 20.03.2020, for the offences punishable under
Sections 302, 201 and 34 of the IPC.

According to prosecution case, the petitioner is alleged
to have committed murder of his wife Kalavati Devi under a
conspiracy with the help of co-accused, namely, Jawahir Pandit
@ Indradev Pandit and concealed her dead body.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He



further submits that the informant has filed the present case under Section 302 and 201 of the Indian Penal Code against the petitioner only to harass the petitioner but the police has submitted charge sheet under Sections 498A, 494, 364/34 of the Indian Penal Code. He further submits that earlier the informant has also filed a Complaint Case bearing Complaint Case No. 4752/2016 against the petitioner and others under Sections 498A, 302, 511 and 201 of the Indian Penal Code . He further submits that for the same occurrence, the informant has already lodged a complaint case in the year 2016 and the present F.I.R. has been instituted only to harass the petitioner in the present case. The petitioner is in custody since 29.06.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is husband of the deceased so the sole responsibility lies upon him. He further submits that the petitioner has also carried one antecedent other than the present one.

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 A.C.J.M.-
6th, Siwan in connection with Nautan P.S. Case No. 40/2020,
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)

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