

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69011 of 2022

Arising Out of PS. Case No.-9 Year-2012 Thana- KANTI District- Muzaffarpur

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Mukeshwar Pandey @ Makeshwar Pandey Son Of Ram Rakesh Pandey @
Ram Rufeeg Pandey R/O Village- Dhamauli Ramnath, P.S.- Kanti, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and the

State.

The case is registered under sections 302, 201 and

120(B) of the Indian Penal Code, in connection with Sessions

Trial No. 141 of 2022 arising out of Kanti P.S. Case No. 09 of

2012.

The allegation in the FIR is that the accused

persons came and took the informant's nephew. Further, he was

strangled and the body was thrown in the orchard.

During the investigation, the role of the petitioner

came up. However, the matter being of 2012, he evaded arrest

for nine long years and finally came into judicial custody on

13.8.2021.



Learned counsel for the petitioner submits that although others have been released on bail in view of the fact that he evaded arrest for nine long years, earlier his bail application was rejected and he has already suffered by being in judicial custody since 13.8.2021.

The learned APP on the other hand submits that the allegation against him amongst other is of taking away the nephew of the informant and killing by strangulation. He however concedes that similar situation others have since been released on bail.

In view of the fact that the petitioner has remained in custody since 13.8.2021 and others have since been released on bail, this Court is inclined to grant him relief.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 20th Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No. 141 of 2022 arising out of Kanti P.S. Case No. 09 of 2012 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 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 his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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