

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74523 of 2022**

Arising Out of PS. Case No.-7 Year-2018 Thana- DHURAIYA District- Banka

RAJU PANDIT Son of Mantu Pandit Resident of Village- Patwa, P.S.-
Dhoraiya, District- Banka, Bihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 02-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.05.2022 in connection with Dhoraiya P.S. Case No. 07 2018,
F.I.R. dated 12.01.2018 for the offences punishable under
Sections 341, 323, 324, 307, 504, 354, 379 and 506/34 of the
Indian Penal Code.

According to prosecution case, in brief, as per written
report of the informant is that on 13.12.2017 when the informant
was going to buy medicine to Ghatwa Chauk and when he
reached near house of Vijay Singh then all the F.I.R. named
accused persons including the petitioner surrounded the
informant and on instruction of Mantu Pandit, Raju Pandit
assaulted the informant on his head by Khanti causing head



injury, whereas Baiju Pandit assaulted him by means of Dabiya due to which the informant fall down on the ground, when the son and wife of the informant came to save him, the the accused persons also assaulted them.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the allegation against the petitioner is that he has assaulted the informant on his head by Khanti causing head injury. He further submits that due to admitted land dispute the present occurrence has taken place and all the injury as mentioned in the injury report not inflicted by the petitioner rather the same by the other co-accused persons also. He further submits that similarly situated, co-accused, namely, Mantu Pandit has been granted bail by a co-ordinate Bench of this Court vide order dated 24.09.2018 passed in Cr. Misc. No. 42139 of 2018 and another co-accused namely, Baiju Pandit @ Baiju @ Baijnath Pandit has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 28.06.2019 passed in Cr. Misc. No. 65838 of 2018. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 21.05.2022.



The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

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 Additional District Judge-IV, Banka in connection with Dhoraiya P.S. Case No. 07 of 2018, S.T. No. 110 of 2019, 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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