

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73571 of 2022

Arising Out of PS. Case No.-542 Year-2019 Thana- CHIRAIYA District- East Champaran

Sanjeev Kumar Pandit @ Sanjeev Kumar Prajapati @ Prajapati Sanjeev Kumar, Son Of Basath Pandit @ Laxmi Pandit Resident Of Village- Barajairam, P.S.- Chiraiya, District- East Champaran At Motihari

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 304(B)/ 34, 120(B) of the Indian Penal Code.

The Investigating Officer of the case in compliance of the order dated 04.05.2023 is present with the case diary.

The learned counsel for the petitioner submits that the petitioner, being husband, has been falsely implicated in the present case. It is next submitted that the deceased committed suicide. It is next submitted that from bare



perusal of the allegation as alleged in the F.I.R., it would manifest that the informant himself has stated in the F.I.R. that petitioner was not present in the house when the occurrence took place rather he had gone to Saudi for working.

The learned counsel for the petitioner next submits that the deceased out of frustration committed suicide and the informant without appreciating the fact of the case in its correct perspective instituted the present F.I.R.

Learned A.P.P. opposes the bail application and submits that charge-sheet has been submitted declaring petitioner as an absconder.

The learned counsel for the petitioner rebuts the submission of the learned Additional P. P. and submits that petitioner was already availing his remedies available in law since 2022 and charge-sheet has been filed in the Year 2023 and the petitioner in the Year 2023 itself has been declared an absconder. It is thus submitted that if an accused is availing his remedies available in law whether it is prudent for the Investigating Agency to file an application seeking to



declare the accused an absconder. It is next submitted that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-4, Sikarahana at Dhaka, Motihari, East Champaran in connection with Chiraiya P. S. Case No.542 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, in the event, if any application is filed by the Investigating Officer bringing to the notice of the learned trial Court that petitioner, despite giving assurance to this Court that he will cooperate in the investigation, is not



cooperating or is not presenting themselves before the Investigating Officer, then in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

The appearance of the Investigating Officer is dispensed with.

(Satyavrat Verma, J)

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