

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9978 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

VINAY PANDIT @ BINAY KUMAR PANDIT S/O LATE PRAHLAD
PANDIT R/O VILLAGE- MAHANTHI LAL CHOWK, MURTI KALA
PAINTER NARIYAL BAZAR WARD NO. 09, P.S- MADHUBANI, DISTT.-
MADHUBANI, 847211

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-02-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Madhubani Nagar P.S. Case No. 236 of 2023 for the offence under Sections 341, 323, 324, 354(B), 379, 504, 506 and 34 of the I.P.C. lodged on 08.07.2023 by the informant, Vikram Pandit.

3. As per the prosecution story, the informant has alleged that due to dispute regarding partition of house and shop, the accused persons armed variously came and allegation against this petitioner as also Vishal Pandit is of assaulting own brother, the informant herein. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that on



the date of occurrence, he was appearing in the law examination and has also annexed the attendance sheet of 07.07.2023 to show his presence in the Law College, Samastipur on that particular date. He submits that when the examination was between 2:00 pm to 5:00 pm, it is unbelievable that at 1:30 pm, he will be present in the house of his brother and commit assault.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid fact as also that he do not have any criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Madhubani Nagar P.S. Case No. 236 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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