

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25525 of 2024

Arising Out of PS. Case No.-121 Year-2023 Thana- KADIRGANJ District- Patna

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Santosh Pandit, aged about 30 years (Male), S/o Surendra Pandit, R/o vill -
Daulatabad, P.S. - Kadirganj, Distt. - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Chandrakishore Kumar, Advocate
For the Informant	:	M/S. Rajeev Kumar and Gautam Shah, Advocates
For the Opposite Party	:	Mr. Sunil Kumar Pandey, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 18-09-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kadirganj P.S. Case No. 121 of 2023 dated 26.10.2023
registered for the offences punishable under Sections 341, 323,
307, 448, 504, 506, 379/34 of the I.P.C. Later on, Section 302 of
the I.P.C. was also added.

3. As per the prosecution case, the paddy crops of the
informant was being forcibly taken away by the accused
persons. When he protested, the accused persons came to his
house and assaulted, due to which, his father Pundeo Pandit and



his brother Bittu Kumar became unconscious. The accused persons also snatched *Jitiya Mangalsutra* of his mother. It is further alleged that in the said scuffle, the co-accused Surendra Pandit, Santosh Pandit (petitioner), the co-accused Srikant Pandit, Ravi Kant Pandit and Shashi Kant Pandit assaulted them with *iron rod* and *Khanti*.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that both parties are own agnates and assaulted each other. There is case and counter case between the parties. There is also land dispute between the parties because they are co-sharers. It is further submitted that during the course of investigation, it has specifically come that the petitioner has not assaulted the deceased on the head which has resulted in his death. It is further alleged that the occurrence took place on 26.10.2023 and the F.I.R. has also been lodged on 26.10.2023 but the same was forwarded to the learned court below on 29.10.2023. It is further submitted that from perusal of the F.I.R., it would appear that the co-accused Surendra Pandit, Santosh Pandit (petitioner), the co-accused Srikant Pandit, Ravi Kant Pandit and Shashi Kant Pandit have assaulted the informant's father with *iron rod* and *Khanti* but he has not



disclosed a single word that which the petitioner has assaulted on which part of the body which creates doubt about the prosecution case. There is general and omnibus allegation against the petitioner. There is no specific overt act alleged against the petitioner. It is further submitted that in the said occurrence, the petitioner has also sustained injury, however, the doctor has opined the nature of injury is simple, as annexed as Annexure-P/3 to the bail petition for which the petitioner has also filed Kadirganj P.S. Case No. 120 of 2023 on 26.10.2023 registered for the offences punishable under Sections 341, 323, 307, 504 and 506/34 of the I.P.C. The deceased was own uncle of the petitioner and there was no intention to kill him. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 30.10.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant by filing a counter affidavit on behalf of the informant has submitted that in the present case, charge has been framed and till today only one witness has been examined. The petitioner and the co-accused persons are tampering the witnesses and four witnesses have refused to initiate the case and the wife of the petitioner has



filed false Kadirganj P.S. Case No. 62/2024 on 04.05.2024 against four charge sheeted witnesses and others, namely, Dayanand Pandit, Rajesh Pandit, Bishu Pandit, Dhananjay Pandit, Barho Devi and Arjun Pandit only to pressurize so that they may not be able to examine in the learned court below. It is further submitted that the petitioner and the co-accused persons brutally assaulted the informant and his family members, due to that, the informant's father died and his other family members sustained multiple injuries.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Masaurhi in connection with Kadirganj P.S. Case No. 121 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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