

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41814 of 2024

Arising Out of PS. Case No.-41 Year-2021 Thana- BARARI District- Katihar

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Dataala Pandit @ Roushan Kumar Pandey Son of Bablu Pandit R/O Vill.-
Mohana Chandpur, P.S.- Barari (Semmapur), Dist.- Katihar

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-09-2024 Heard Mr. Ranjan Kumar Jha, learned counsel for

the petitioner and Mr. Ram Naresh Ray, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
31.10.2023, in connection with Barari (Semapur) P.S. Case No.
41 of 2021, FIR dated 05.03.2021 registered for the offence
under Sections 307, 427, 120(B) and 34 of the Indian Penal
Code and Section 27 of the Arms Act but later on Section 302 of
the Indian Penal Code has also been added.

3. As per the prosecution case, all the accused
persons including the petitioner has fired upon the uncle of
informant due to which he sustained bullet injuries and in course
of treatment he died.

4. Learned counsel appearing for the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that due to land dispute the present occurrence has taken place. He further submits that there is no specific allegation attributed against the petitioner rather there is general and omnibus allegation against the petitioner and specific allegation of firing is attributed the co-accused person, namely, Suman Kunwar. He further submits that similarly situated other co-accused person, namely, Sudama Thakur has been granted bail by this Court vide order dated 25.07.2022 passed in Cr. Misc. No. 8331 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 31.10.2023.

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and apart from that the petitioner carries three more cases other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that out of three cases the petitioner is on bail in



two cases.

6. Considering the aforesaid facts, let the, above named, petitioner 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 learned A.C.J.M. III, Katihar in connection with Barari (Semapur) P.S. Case No. 41 of 2021 with the following conditions:-

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

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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