

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46866 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- HATHIDAH District- Patna

SUNIL PANDIT @ SUNIL KUMAR SON OF MR. SADANAND PANDIT
@ DOMAN PANDIT RESIDENT OF VILLAGE - FOUJDARI, P.S. -
PIRPAINTI, DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Ajay Kumar Thakur, the learned Counsel

for the petitioner and Mr. Sanjay Kumar Pandey, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody
since 06.03.2024, in connection with Hathidah P.S. Case No. 27
of 2024, FIR dated 03.03.2024, registered for the offences
punishable under Sections 362 and 365 of the Indian Penal Code
subsequently Sections 364 and 396 of the Indian Penal Code
was added.

3. According to the prosecution case, the
informant, Swetank Bharti alleged that on 02.03.2024, her
driver Bipin Kumar was going towards Khagaria using Swift
white colour car bearing Registration No. BR-01PP-8776 and he



was carrying his Mobile No. XXXXXX9610. On the way, he was stopped by someone at Mokama Tal Korariya and he was taken somewhere alongwith car after closing his mouth. At that time, she was talking to the driver on phone and thereafter the phone has been switched off. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he is not named in the F.I.R. The petitioner's name has transpired during the course of investigation on the basis of the tower location. He suggests that the deceased has talked to one Raushan Kumar son of Binod Malakar and Raushan Kumar has talked to the petitioner. Learned Counsel for the petitioner fairly submits that although car, in question, has been recovered on the basis of the information furnished by the petitioner but it appears from the investigation that the same car was handed over by the co-accused persons, namely, Barun Kumar, Rinku Singh @ Manish and Rishu Kumar to the petitioner. He suggests that initially, the petitioner was not involved in the present crime in question and later on, he was involved in the present crime in question only for dispose of the car in question and the police after investigation submitted charge sheet and the petitioner is in custody since 06.03.2024.



5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner submits that the petitioner carries one criminal case other than the present one but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Barh (Patna) in connection with Hathidah P.S. Case No. 27 of 2024, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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.

(iii). And further condition that the learned trial



Court 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 learned trial Court 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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