

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61075 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- SUGAULI District- East Champaran

Ramchandra Pandit Son of Late Sukhdev Pandit Resident of Village- Dumari,
P.S.- Sugauli, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sugauli P.S. Case No. 170 of 2023,
registered for the offence punishable under Sections 302, 120(B)
and 201/34 of the Indian Penal Code.

3. Based upon the fardbeyan, it is alleged that in the
night of 09.05.2023, there was a marriage ceremony and the son
of the informant had gone to see the dance party. However,
when he did not return home, the informant went to the place
where the marriage was going on, in his search. On disclosure
made by some of the villagers, the informant along with others
went to the house of co-accused *Yadolal Pandit*, where she
found that all the accused persons, including the petitioner



were present and her son and daughter of *Yadolal Pandit* were tied in a rope and all of them were assaulting them. Her efforts to rescue him went in vain and thereupon, she came to the village and narrated the story to others and thereafter, all of them reached there and it was found that the son of the informant and the daughter of *Yadolal Pandit* were killed.

4. Learned Advocate for the petitioner contended that the petitioner being *pattidar* of *Yadolal Pandit*, his name has been implicated in this case. The narratives made in the FIR suggest that the informant was not an eyewitness to the point of commission of causing death of the boy and the girl. There is no specific allegation of any overt act against the petitioner rather an omnibus allegation has been levelled against all the FIR named accused persons. Taking note of the aforesaid facts, other co-accused persons, having identical allegation, have been allowed the privilege of regular bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 60423 of 2023 vide order dated 06.12.2023 and in Cr. Misc. No. 45760 of 2023 vide order dated 28.07.2023. It is lastly contended that, be that as it may, the petitioner is a senior citizen, having fair antecedent and now he has been incarcerated since 22.06.2024. The investigation of the crime is complete and the charge-sheet has been submitted.



5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that this is a case of owner killing, where all the family members and the villagers, including the petitioner killed the innocent children and, as such, the petitioner does not deserve the sympathy of the Court.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the fact that other co-accused person, having identical allegation, have been allowed the privilege of regular bail and the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C. Sadar, at Motihari, East Champaran in connection with Sugauli P.S. Case No. 170 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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