

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23258 of 2025

Arising Out of PS. Case No.-270 Year-2024 Thana- KESARIA District- East Champaran

Prabhu Pandit Son of Late Ram Chandra Pandit village- Ganeshpur, p.s-
kesariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Y. Madhavi, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 21-05-2025 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with Keshariya P.S. Case No. 270 of 2024 registered for the offence under Sections 189(2), 126(2), 115(2), 118(1), 109, 103(1), 76, 352, 351(2) & 190 of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution story, the allegation against the petitioner and the other accused persons named in the FIR is that they assaulted the informant's husband with a spade, sword, and farsa, as a result of which, he sustained injuries and subsequently succumbed during the course of treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted that there is no specific allegation



against the petitioner; rather, the accusations made are general and omnibus in nature. It is further submitted that the case of the prosecution is falsified by the postmortem report, which reveals that the deceased sustained only a single injury on his head. It is next submitted that the occurrence took place on 26.07.2024, but the FIR was lodged much later, on 18.08.2024, after an unexplained delay of 23 days. Learned counsel also submits that two similarly situated co-accused persons, namely Uma Shankar Pandit and Ranju Devi, have already been granted bail by a Co-ordinate Bench of this Court vide order dated 07.05.2025 passed in Cr. Misc. No. 28663 of 2025. It is lastly submitted that the charge sheet has already been submitted in the case, the petitioner has clean antecedent and is in custody since 30.01.2025.

5. Learned Additional Public Prosecutor for the State has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and taking into account that there is general and omnibus allegation against the petitioner and that similarly situated co-accused persons have been enlarged on bail by a coordinate Bench of this Court, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand)



each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Motihari, East Champaran, Motihari, in connection with Kesariya P. S. Case No. 270 of 2024 and that

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.
- d. 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.

(Sourendra Pandey, J)

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