

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3318 of 2025

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

Raj Kapoor Kumar @ Rajkumar Pandit @ Rajkapoor Pandit S/o Sukhlal
Pandit R/o Village- Ganeshpur, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 27-06-2025 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in a case registered 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 has falsely been 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. It is lastly submitted that the charge sheet has already been submitted in the case and the petitioner has clean antecedent.

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

6. Considering the submissions made by the respective parties and looking at the nature of allegation which is general and omnibus, let the petitioner, above named, be enlarged on bail, in the event of his arrest or surrender before the Court below within a period of six weeks upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending /concerned court, in connection with Kesariya P.S. Case No 270 of 2024 subject to the conditions as laid down under Section 482(2) B.N.S.S., 2023 and on the following conditions :

a. If the petitioner is found to have to influence the



witness or the informant or his family member, the prosecution shall be at liberty to move the learned court below for cancellation of his bail.

b. One of the bailors of the petitioner shall be her close relative.

c. The petitioner shall remain physically present in Court on each date of the trial.

d. 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.

e. 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.

It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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