

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14407 of 2016

Arising Out of PS.Case No. -45 Year- 2015 Thana -RAGHUNATHPUR District- SIWAN

1. Chandan Pandey, Son of Nagendra Pandey
2. Ramlal Pandey, Son of Nagendra Pandey
3. Satyendra Pandey Son of Gautam Pandey
4. Jhaman Pandey @ Vivek son of Satyendra Pandey All resident of Village Raghunathpur, P.S. Raghunathpur, Distt- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhuri Lata

For the Opposite Party/s : Mr. Narendra Kr. Singh(Special P.P.)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-04-2016

Heard learned counsel for the petitioners and

learned Special P.P. for the State.

Petitioners apprehend arrest in connection with Raghunathpur P.S.Case No. 45/2015 for offences alleged under Sections 341, 323, 379, 465, 467, 468, 471, 504, 506/34 of the Indian Penal Code and 3 (1) (x) of SC/ST Act.

The prosecution case, as lodged by the informant, is that the son of the informant namely, Deepak Kumar Sah bought a Hero Honda motorcycle from one Manoj Kumar Singh and after 2-3 days of the purchase of the motorcycle, six accused persons, namely, Deepak Kumar Pandey, Kallu Pandey, Chandan



Pandey, Ramlal Pandey, Satyendra Pandey, Jhaman Pandey forcefully took the motorcycle from the son of the informant giving assurance to return the motorcycle after 2-4 days but did not return and when demand was made by the informant along with the witnesses, the accused persons abused the informant with his caste name “Gond” and assaulted the informant with slaps and fists and the informant suspected that accused Deepak Pandey was planning to grab the motorcycle.

It has been submitted by the learned counsel for the petitioners that the main allegation was upon Deepak Kumar Pandey, who had forcefully snatched the motorcycle from the informant and his son along with the other accused. The main accused Deepak Kumar Pandey, who was alleged to be present along with him in the commission of the offence. It has also been stated that the petitioners have no criminal history, which is evident from para-3 of this present application.

Learned counsel for the petitioners has further been submitted that the main accused Deepak Pandey and one Vikas Pandey @ Kallu Pandey have since been granted the privilege of anticipatory bail on 08.09.2015 in A.B.P. No. 1254/2015 by the learned court below on the basis of a compromise petition filed by the informant Daroga Sah stating

therein that the motorcycle belongs to Deepak Pandey. It has further been submitted that the allegation against the petitioners are general and omnibus and have been made accused as these petitioners are “pattidar” of Deepak Kumar Sah and they are on inimical terms due to property dispute for which Title Suit No. 15/2005 is pending between them.

However, learned Special P.P. however opposes the prayer for bail..

Be that as it may, let petitioner, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Raghunathpur P.S. Case No. 45/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J)

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