

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8371 of 2017

Arising Out of PS.Case No. -401 Year- 2015 Thana -DUMRAUN District- BUXAR

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Raghvendra Krishna Pandey, S/o Paras Muni Pandey, R/o Village- Naya Bhojpur, P.S.- Dumraon, District- Buxar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Digvijay Kumar Ojha, Advocate.

For the Opposite Party : Mrs. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-03-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 06.12.2015 in connection with Dumraon P.S. Case No. 401 of 2015 for the offences instituted under Sections 341, 323, 307 and 504/34 of the IPC. Subsequently, Section 302 of the IPC was also added.

The prosecution story, in brief, is that while the informant, namely, Ved Vyas Pandey, with his uncle Wachaspati Pandey was sitting at his door, suddenly, the named persons having *Rama*, *Lathi*, *Danda* in their hands arrived, started abusing and when it was prevented, then this petitioner assaulted with *Rama* on the head of the informant's uncle due to which he fell down and became unconscious. Other co-accused Ram Krishna



Pandey and Hare Krishna Pandey also assaulted by *lathi* and *danda* indiscriminately and thereafter co-accused Paras Muni Pandey instigated his two sons and when the informant went to rescue, then Paras Muni Pandey also assaulted with *Danda* and when alarm was raised, the nearby people assembled and saved their lives and then the informant's uncle was brought to the Hospital at Dumraon, from where he was referred. The reason behind the occurrence is stated to be previous dispute.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.12.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. It is further submitted that the informant's uncle has not died due to the injury caused by the petitioner on his head. Both parties are agnates. Due to family dispute, the alleged occurrence has taken place. It is a case and counter case between the parties and the deceased has sustained injury due to free fight between the parties.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. He is assailant of the deceased. The injury caused by the petitioner upon the deceased is said to be fatal injury. The postmortem report supports the allegation made



in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Dumraon P.S. Case No. 401 of 2015, pending in the court of the learned Chief Judicial Magistrate, Buxar.

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(Sudhir Singh, J)

