

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21151 of 2016

Arising Out of PS.Case No. -288 Year- 2015 Thana -RAJIVNAGAR District- PATNA

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Vikash Pandey @ Vikash Kumar son of Brahameshwar Nath Pandey, R/o
Mohalla- Nepali Nagar, P.S.- Rajiv Nagar, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Zainul Abedin(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 22-03-2017

Heard learned counsels for the petitioner

and the State.

The petitioner has renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 147, 148, 341, 323, 427, 428, 447, 448, 385, 467, 468 and 504 of the Indian Penal Code.

The prosecution case is that sister-in-law of the informant and his friend Krishnanandan Sahay purchased a plot in Mohalla – Nepali Nagar, P.S. – Rajiv Nagar from Jai Prakash Nagar Sahkari Grih Nirman Samiti. The accused persons, including the petitioner, encroached the land of the informant and when on 06.10.2015 the informant and his brother-in-law, Devendra Prasad Singh, came to the land in



question they found that the accused persons are demolishing boundary wall and on protest being made the accused persons abused and assaulted the informant.

It is submitted by learned counsel for the petitioner that the petitioner side purchased the land in question in 1983 from Hareram Pandey who was in possession of the land in question throughout. Later on, Hareram Pandey sold the said land. Co-accused Bhola Shankar Pandey constructed house over the land in question and his name has already been mutated in the Patna Municipal Corporation records. Hence, the accusation has been levelled in the background of civil dispute as earlier 144 Cr.P.C. proceeding was also initiated between the parties.

The attention of this Court was drawn to the fact that co-accused Dharmendra Kumar has been granted anticipatory bail by this Court vide order dated 01.04.2016 passed in Cr. Misc. No. 14257 of 2016 when it was brought to the notice of this Court that co-accused Bhola Shankar Pandey has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 23.02.2016 passed in Cr. Misc. No. 5811 of 2016 but the same was not brought to the notice of this Court when this Court disposed of the earlier anticipatory bail application of the petitioner vide order dated 24.02.2016 passed



in Cr. Misc. No. 8760 of 2016. Moreover, the case of the petitioner differs with Dharmendra Kumar on the ground that a statement has been made on his behalf that he has no criminal antecedent whereas this petitioner is accused in several criminal cases.

Considering the submission of learned counsel for the petitioner and the State, this Court is not inclined to revise the earlier order. However, keeping in view of the fact that co-accused persons have been granted anticipatory bail, this Court sees no reason for learned court below not to grant bail to the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Rajeev Nagar P.S. Case No. 288 of 2015 pending in the court of learned Judicial Magistrate, Ist Class, Patna. It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

Accordingly, this application is disposed of with the aforesaid observation and direction.

(Dinesh Kumar Singh, J)

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