

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6217 of 2017

Arising Out of PS.Case No. -170 Year- 2016 Thana -BIHRA District- SAHARSA

=====

1. Raghvendra Pandey, Son of Late Ravindra Pandey.
2. Gujendra Kumar Pandey (Kashyap) @ Gungun Pandey, Son of Late Rajendra Pandey,
3. Shambhu Pandey, Son of Late Surendra Pandey All resident of Village- Rahua Tulsiyahi, P.S. Bihra, Dist.- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-02-2017 At the very outset, learned counsel for the petitioners has submitted that since the petitioner no. 3 has already been taken into custody, he does not wish to press the application for bail of petitioner no. 3.

Accordingly, the application for anticipatory bail with respect to petitioner no. 3 is dismissed as withdrawn.

So far petitioner nos. 1 and 2, namely, Raghvendra Pandey and Gujendra Kumar Pandey (Kashyap) @ Gungun Pandey, respectively, are concerned, they are apprehending their arrest in connection with Bihra P.S. Case No. 170 of 2016,



registered for offences punishable under Sections 341, 324, 307, 448, 385, 379, 504, 506 and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that only allegation against petitioner no. 1 is that he demanded *rangdari* except that no specific allegation has been attributed to him and so far as petitioner no. 2 is concerned allegation against him is that he gave farsa blow on the head of the informant, however the opinion about the injury caused from the said blow, has been reserved. There is case and counter case between the parties on the background of land dispute.

Heard learned A.P.P. and learned counsel for the informant, they have opposed the prayer for bail. Learned counsel for the informant has submitted that though the opinion about the injury has been kept reserved, the same appears to be grievous in nature and also petitioner no. 2 has criminal antecedent.

Having heard both sides, in view of the fact that no specific allegation of assault has been made against petitioner no. 1, namely, Raghvendra Pandey and only general and omnibus allegation has been levelled against him, let the petitioner no. 1, namely, Raghvendra Pandey in the event of his arrest or surrender before the court below within a period of six weeks from the date



of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-IV, Saharsa in connection with Bihra P.S. Case No. 170 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

So far the application for anticipatory bail of petitioner no. 2, namely, Gujendra Kumar Pandey (Kashyap) @ Gungun



Pandey is concerned, considering the facts and circumstances of the case and in view of the allegations that he gave farsa blow on the head of the informant and also the fact that he has criminal antecedent, which has not been disclosed by the petitioner in his bail application, I am not inclined to grant him the privilege of anticipatory bail, it is, accordingly, rejected.

(Vinod Kumar Sinha, J)

sunil/-

U		T	
---	--	---	--

