

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51256 of 2017

Arising Out of PS. Case No.-186 Year-2017 Thana- GHOSI District- Jehanabad

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1. Deenanath Pandey, S/o Late Nageshwar Pandey.
 2. Arun Pandey, S/o Deenanath Pandey
 3. Bam Pandey S/o Deenanath Pandey
 4. Barun Pandey, S/o Deenanath Pandey
- All are Resident of Village- Lakhawar P.S. Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 447, 504, 379 and 307 of the Indian Penal Code.

The prosecution case got initiated on the written report of one Manish Kumar Pandey, submitted to the SHO, Ghoshi Police Station, to the effect that on 29.09.2017 at 9 AM, the uncle of the informant, namely, Dina Natha Pandey (petitioner no.1), started constructing wall on the share of the land of the informant. The informant made protest, thereafter, petitioner no.1, co-accused Dhiraj Pandey, petitioner no.2,



Arun Pandey, petitioner no.3, Bam Pandey, petitioner no.4, Barun Pandey and co-accused Anita Devi(wife of petitioner no.1), came armed with lathi, farsa, dagger and started abusing the informant. Thereafter, co-accused, Dhiraj Pandey, assaulted with farsa on the head of the informant, when the wife of the informant, namely, Khusboo Devi, sister in law (bhabhi), namely, Dev Kunwar Devi, mother Nirmala Devi came to his rescue, then they were also assaulted by the accused persons.

It is submitted by learned Counsel appearing on behalf of the petitioners that admittedly the accusation has been levelled in the background of property share dispute. There is counter version of the occurrence also being Ghoshi P.S. Case No. 187 of 2017, levelling accusation under section 341, 323, 504, 506, 447, 379, 307/34 of the I.P.C. lodged by accused, Dhiraj Pandey, against the informant's side. Admittedly, the accusation of assault is not specific against the petitioners, rather it is specific against co-accused Dhiraj Pandey. However, the injuries of the informant and his wife Khusboo Devi have not been found to be grievous. Moreover, there is no injury report on record with regard to brother and sister-in-law of the informant. A statement has been made in paragraph no.3 of the petition that the petitioners have no criminal antecedent.



It is submitted by learned APP appearing on behalf of the State that the accusation of assault is against these petitioners also.

Considering the omnibus and general nature of accusation of assault against the petitioner levelled in the background share dispute coupled with statement made in paragraph no.3 of the petition that the petitioners having no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Jehanabad, in connection with Ghoshi P.S. Case No. 186 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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