

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31990 of 2016

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Pramod Khan Son of Janardan Khan, Resident of Village- Bangaon, P.S.
Bangaon, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 08-03-2017

This matter is being taken up for hearing on

the mentioning slip filed on behalf of the petitioner.

Heard learned counsels for the petitioner,

State and the informant.

The present application has been filed for modification of order dated 30.05.2016 passed in Cr. Misc. No. 23962 of 2016 whereby earlier anticipatory bail application of the petitioner was disposed of with direction that if the petitioner surrenders before the learned court below within a period of six weeks when it was expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

The prosecution case is that on 26.10.2011 the



informant was going to his newly constructed house with his son and was carrying Rs.5000/-, in the meantime, the F.I.R. named accused persons surrounded the informant and asked to compromise Saharsa Sadar P.S. Case No. 336 of 1997, whereupon the informant declined to accept the offer then the accused persons started abusing and threatening. On protest being made on the order of co-accused Rabindra Kumar and Mritunjay Khan to kill the informant and his son, petitioner assaulted with Farsa causing injury on the right hand of the informant and co-accused Nishikant and Rajni Kant assaulted with iron rod on his back. When the son of the informant came to rescue then co-accused Raghav Khan assaulted with Farsa on the head causing head injury, thereafter all the accused persons assaulted the informant and his son.

It is submitted by learned counsel for the petitioner that specific accusation against the petitioner is of making assault with Farsa on the right hand of the informant but the injury report of the informant reflects abrasion of marginal size and another abrasion on right side of scalp caused by hard and blunt substance which is alleged against co-accused. It is further submitted that in the background of land dispute the petitioner has been roped in the present case. The medical report does not corroborate the accusation. The petitioner has also received injury



leading to registration of Bangaon P.S. Case No. 70 of 2011 against the informant of the present case. It is further submitted that co-accused Raghav Khan, who alleged to have made assault with Farsa on the head of the informant, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.10.2016 passed in Cr. Misc. No. 43693 of 2016. The petitioner is in Air Force and the informant has retracted from the initial version and filed a petition to that effect before the learned court below.

Mr. Arun Kumar, learned counsel for the informant submits that since the parties have compromised the case, he is not opposing the prayer for anticipatory bail of the petitioner.

Considering the nature of accusation, this Court is not inclined to revise the earlier order, but keeping in view of the fact that similarly situated co-accused has been granted anticipatory bail, I see no reason for the learned court below not to consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Bangaon P.S. Case No. 71 of 2011, pending in the court of learned Chief Judicial Magistrate, Saharsa. 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 above observation and direction.

(Dinesh Kumar Singh, J)

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