

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11074 of 2018

Arising Out of PS.Case No. -293 Year- 2017 Thana -BAKHRI District- BEGUSARAI

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1. Umesh Pandit, son of Late Ram Swaroop Pandit.
 2. Chandra Prabha Devi, wife of Umesh Pandit.
 3. Lal Babu Pandit alias Lal Babu Kumar Pandit.
 4. Mithilesh Pandit alias Mithilesh Kumar.
Both are sons of Umesh Pandit.
 5. Brajesh Pandit, son of Ram Chandra Pandit.
All are residents of village-Salauna, P.S. Bakhari, District-Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-02-2018 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bakhri P.S. Case No.293 of 2017 registered under Sections 147, 148, 149, 341, 323, 504, 506 and 307 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that 7 persons, named in the F.I.R., including the petitioners variously armed with weapons came at the door of the informant and started to abuse. At that time, the petitioner no.1 Umesh Pandit opened fire through pistol but the same was missed. Thereafter, the petitioner no.1 Umesh Pandit



caused assault on the forehead of the informant through the butt of the pistol and others caused injury to the informant through knife. When Narayan Pandit, the brother of the informant, rushed to save the informant, then the petitioner no.4 Mithilesh Kumar and the petitioner no.3 Lal Babu Pandit caused injury to him through iron rod. The cause of occurrence is said to be the land dispute.

Learned counsel for the petitioners submits that, in fact, due to land dispute, hot exchange of words took place in between the parties but with an ulterior motive, the informant lodged the present case due to initiation of the proceeding under Section 107 of the Code of the Criminal Procedure lodged by the petitioner no.1 against the informant, in the court of the Sub Divisional Magistrate, Bakhri. Moreover, the injuries of the informant and Narayan Pandit are simple in nature except the injury no.1 of Narayan Pandit, which is swelling and tenderness right lateral side of chest, regarding which the opinion has been kept reserved. Further submission is that while the occurrence is of 12.11.2017 but the F.I.R. was lodged on 22.11.2017, after 10 days of the occurrence, by the informant. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest



or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-V, Begusarai, in connection with Bakhri P.S. Case No.293 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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