

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29355 of 2018

Arising Out of PS. Case No.-133 Year-2018 Thana- MADHEPURA District- Madhepura

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1. Kundan Pandit, S/o Ramjee Pandit,
 2. Bijo Pandit S/o Janaki Pandit,
 3. Ajay Pandit @ Ajay Kumar son of Janaki Pandit, All are R/o Vill.- Bhadaul, Ward No. 02, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Opposite Party/s : Mr. Sri Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 24-05-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Madhepura
(Bharrahi) P.S. case no. 133 of 2018, instituted for the offence
under Section(s) 341, 323, 324, 307, 354(A), 379, 504 and
506/34 of the Indian Penal Code.

It is submitted that petitioners and the informant are
neighbours. The alleged occurrence took place due to putting
soil in front of the house of petitioners by the informant.



In the written report, it is alleged that petitioner no.2 assaulted the son of informant with spade on the head causing fracture and bleeding injury. The informant came to save her son then petitioner no.1 assaulted her with lathi on leg and snatched golden chain from her neck. It is further alleged that petitioner no.3 snatched mobile phone from the possession of the husband of the informant.

The injury report of the son of the informant and informant have been annexed as Annexures 2 and 3 which shows that son of the informant has sustained sharp cut wound of 2" x ½"x upto skull bone on left side head. The doctor has opined the injury to be simple in nature and weapon used is sharp cut weapon.

There is specific allegation against petitioner no.2 of assaulting son of informant with spade on head. Therefore, this Court is not inclined to grant anticipatory bail to petitioner no.2, namely Bijoy Pandit. Prayer for anticipatory bail of petitioner no.2 is rejected.

The petitioner no.2 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order..



So far as petitioner nos. 1 and 3 are concerned, there is general and omnibus allegation levelled against them. The petitioner no.1 is alleged to have assaulted informant with lathi on leg and petitioner no.3 is alleged to have snatched mobile phone of husband of informant.

In the facts and circumstances of the case, prayer of the petitioner nos.1 and 3 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner nos. 1 and 3 , named above, within six weeks from today in connection with Madhepura (Bharrahi) P.S. case no. 133 of 2018, petitioner nos. 1 and 3 shall be released on anticipatory bail 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 CJM, Madhepura, subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution



will be at liberty to move for cancellation of bail of the
petitioners.

(Sanjay Priya, J)

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