

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63345 of 2017

Arising Out of PS. Case No.-69 Year-2017 Thana- BARHAT District- Jamui

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1. Shanti Sharan Pandey , son of Late Durga Pandey
 2. Yogesh Pandey Yugesh Pandey, son of Shanti Sharan Pandey
 3. Niraj Pandey @ Neeraj Kumar Pandey, son of Mithilesh Pandey. All resident of village- Guguldih, P.S. Barhat, District- Jamui
 4. Sunil Pandey, son of Late Yamuna Pandey
 5. Subhash Pandey @ Subhash Kumar Pandey, son of Sunil Pandey. Both are resident of village- Karnpur Kala, P.S. Laxmipur, District- Jamui.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajesh Kumar Sinha, Advocate
For the Opposite Party : Smt Renu Kumari (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Barhat P.S. Case No. 69 of 2017 , registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 325, 504 of the Indian Penal Code.

In the first information report there is specific allegation against co-accused Mukesh Pandey for catching hold the informant and against Navlesh Pandey to have assaulted the informant with sword and again Mithlesh Pandey to have



assaulted the informant with iron rod, against these petitioners there is general and omnibus allegation.

Submissions is of false implication and that there is case and counter case, in retaliation this case has been lodged. The manner of occurrence as alleged is not true, against the petitioners there is no specific allegation, in the injury report of the informant no sharp cut injury has been found though injury nos. 3, 4 and 5 are grievous which are fracture of radius and ulna. The petitioner no.1 is aged about 72 years and against petitioners no. 4 and 5 there is no criminal antecedent and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the practitioners have also assaulted the informant with fists, slap and lathi and further they have caused threats. The petitioners no. 1 and 2 are accused in 8 cases but in para 3 of the bail application only 3 cases have been disclosed, prayer of pre-arrest bail has not been allowed to co-accused Mukesh Pandey.

In the facts and circumstances as stated above, considering that against the petitioners there is no specific allegation and as such, the petitioners in the event of their arrest



or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Barhat P.S. Case No. 69 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C. Further that if petitioners no. 1 and 2 will be found accused in more than three cases and if they have got knowledge about the same, then this order of pre-arrest bail shall be deemed to be rejected.

(Jitendra Mohan Sharma, J.)

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