

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30719 of 2018

Arising Out of PS.Case No. -499 Year- 2017 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

- =====
1. Subodh Pandit son of Sakal Pandit
 2. Vijay Pandit son of Prasad Pandit
 3. Shankar Pandit son of Kapil Pandit
 4. Shushen Pandit son of Rajendra Pandit

All residents of Village : Samachak, P.S. : Hajipur, District : Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 18-05-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 447, 323, 307, 354, 379, 504 and 506 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Anil Pandit recorded by S.I. of Hajipur Town P.S. on 23.09.2017 at 8.30 A.M. at Sadar Hospital, Hajipur is to the effect that the house of the informant and Satish Pandit is close to each other and the exit of water of flow of hand pump is common. It is



alleged that on 23.09.2017 at 6.30 A.M. some scuffle took place between the informant and Satish Pandit with regard to drainage of water. Thereafter, all the FIR named accused persons including the petitioners came and petitioner no. 1 Subodh Pandit assaulted the informant with iron rod on his back, the informant fell down and thereafter all the accused persons assaulted the informant with kicks and blows. On alarm being raised, the sons of the informant Halyak Kumar, Chhotu Kumar, Avinash Pandit, informant's wife Sunita Devi came to rescue then petitioner no. 4 Shushen Pandit caught hold of her hair lock and dragged her, causing her to be partially disrobed. Co-accused Suraj Kumar and petitioner no. 2 Vijay Pandit assaulted Chhotu Kumar, the son of the informant with iron rod causing injury. Thereafter, petitioner no. 1 Subodh Pandit and co-accused Shivshankar Pandit assaulted the other son Avinash Pandit with lathi and snatched silver chain.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of dispute with regard to drainage of water of hand pump and the injury has been found to be simple in nature. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.



Learned APP, however, submits that the petitioners are named in the FIR.

Considering the fact the accusation has been levelled in the background of a petty dispute and the injury has been found to be simple coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any 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 twelve weeks from today, 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, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 499 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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