

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49592 of 2018

Arising Out of PS. Case No.-158 Year-2017 Thana- RAGHUNATHPUR District- Siwan

Kamal Narayan Pandey @ Kamal Nayan Pandey, S/o Surendra Nath Pandey,
R/o Vill. & P.S.- Raghunathpur, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ravi Prakash Dwivedi, Advocate.
For the Opposite Party : Smt. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 323, 324, 307, 379
and 504/34 of the IPC.

The prosecution story, in brief, is that on 18.09.2017
at about 4.00 P.M. the informant was going to deposit
Form in Raghunathpur Block and as soon he reached in
Raghunathpur Bazar, near his shop, Kamal Narayan
Pandey(petitioner), co-accused Golu Pandey and Surendra Nath
Pandey surrounded him and get him fallen down from the
Motorcycle. They started abusing. Co-accused Golu Pandey and
Surendra Nath Pandey thrown him on earth and started
assaulting. Kamal Narayan Pandey (petitioner) inflicted *Sword*



with intention to cause death causing injury in the waist and he fallen down. Secondly, he inflicted *Sword* upon his head but he saved the head by his hand causing injury in his left elbow. He fallen down due to injury caused to him. Co-accused Golu Pandey took away Rs. 10,000/- from his pocket. He raised alarm and nearby persons gathered. In subconscious condition, he went to Raghunathpur Police Station from where he was sent to Referral Hospital Raghunathpur. Doctor examined the injuries and referred to Sadar Hospital, Siwan. Reason behind the occurrence is land dispute with accused persons.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is case and counter case between the parties. Injury on the side of accused persons has not been explained by the prosecution. Prosecution has not come with clean hands. From paragraph no. 34 of the case diary, it is evident that there is no material on record to show whether nature of injury is simple or grievous. There is admitted land dispute between the parties.

On behalf of the State, it is submitted that the



petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIII, Siwan, in connection with Raghunathpur P.S. Case No. 158 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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