

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23137 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- CHAND District- Bhabhua (Kaimur)

1. Khobharu Pandey @ Bans Ropan Pandey, S/o- Late Kanta Pandey,
2. Ram Pukar Pandey,
3. Ram Sahay Pandey,
4. Pawan Pandey All petitioner nos. 2 to 4 are Sons of Sri Bans Ropan Pandey @ Khobharu Pandey, All R/o- Vill.- Kurhanu, P.S.- Chand, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar

For the Opposite Party/s : Mr. Md. Sufiyan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-04-2018

Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the IPC.

The prosecution case, as per the written report of Sudama Pandey dated 10.01.2018, submitted to the Station House Officer, Chand Police Station is to the effect that on 10.01.2018, at 9 AM, the informant was sitting in his house with his father, Ganesh Pandey and younger brother, Mohan Pandey. In the meantime, petitioner no.1, Khobharu Pandey, who is the neighbour of the informant came with his sons, Pawan Pandey, Rampukar Pandey, Ranjan Pandey, Ram Sahay Pandey and called the informant from the house and started making



argument. After some time, the informant came home and started getting ready to go to work. In the meantime, Rampukar Pandey, petitioner no.3, came armed with lathi and assaulted indiscriminately by giving several blows on the head of the informant's father, Ganesh Pandey whereas petitioner no.4, Pawan Pandey assaulted the brother of the informant, Mohan Pandey. Thereafter, petitioner no.1, Khobaru Pandey and his two sons, Ranjan Pandey and Ram Sahahy Pandey came and assaulted the children and female members of the family of the informant.

It is submitted by learned counsel for the petitioners that the petitioners are the agnates of the informant. In the background of land dispute, the accusation has been levelled. The injury report of father of the informant, Gopal Pandey reflects that he received only one lacerated wound on the right parietal region, which has been found to be grievous, whereas the accusation is of giving repeated blows on the head of the father of the informant with lathi by petitioner no.3. The injury report of the brother of the informant, Mohan Pandey suggests that he received simple injury. The petitioners' side also received injury and one of the injuries of petitioner no.1 has been suspected to be grievous.



Learned APP submits that there is specific accusation against the petitioners.

Considering the accusation being not corroborated by the medical opinion, since there is accusation in the FIR that repeated blows were given to Gopal Pandey when he received only one injury, coupled with the genesis of occurrence and the statement made in paragraph no.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/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 like amount each to the satisfaction of learned ACJM-IV, Bhabua (Kaimur) in connection with Chand P.S. Case No. 06 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

