

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43532 of 2018**

Arising Out of PS. Case No.-144 Year-2017 Thana- SISWAN District- Siwan

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1. RAJU KUMAR PANDEY @ RAJU PANDEY, S/o Keshv Pandey,
  2. Sonu Pandey @ Ragesh Kumar Pandey, S/o Kalpnath Pandey,
  3. Nitesh Kumar Pandey @ Sushil Kumar Pandey @ Nitesh Pandey, S/o Kamaldev Pandey, All R/o Village- Jai Chapra, Pandey Tola, P.S.- Manjhi, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Pandey  
For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      19-07-2018                      Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 506/34 of the IPC.

The prosecution case, as per the written report of Bitu Kumar Singh submitted to the SHO, Police Station Siswan is to the effect that on 24.08.2017, at 6.00 P.M., the informant was going to market along with his co-villager Basant Chaubey, where the informant, after parking his motorcycle went to purchase eggs, in the meantime, Raju Kumar Pandey, Petitioner No. 1 came and assaulted with iron rod on the head of the informant causing cut injury. In the meantime, Sonu Pandey,



Petitioner No. 2, Nitesh Kumar Pandey, Petitioner No. 3, and co-accused Pankaj Pandey and Chunnu Pandey assaulted the informant with lathi. Subsequently, the Petitioner No. 2 snatched a gold chain worth Rupees Thirty Thousand and a mobile phone along with Rupees Ten Thousand from the informant. When the brother of the informant, namely, Pankaj Singh and co-villager Brajesh Mishra came to rescue them, the accused persons fled away. While retreating Pankaj Pandey threatened the informant's side of dire consequences.

It is submitted by learned counsel for the petitioners that the motive of the occurrence has not been stated in the FIR. It appears from the impugned order that the informant was medically examined and CT Scan and X-ray was performed, but it only refers a fracture of 7<sup>th</sup> rib of the informant. The accusation of assault on the head of the informant is against Petitioners Nos. 1 and 2, but it does not appear from the medical report that there is any injury on the head of the informant. The accusation of making assault is omnibus and general against five accused persons. It is further stated that for the occurrence of 24.08.2017, the FIR was registered on 26.08.2017 and it reached to the Court of learned ACJM on 01.09.2017, which clouds the bonafide of the accusation and further suggests that



the FIR was registered by ante-dating. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that accusation of assault against the petitioner is specific.

Considering the fact that accusation of assault against Petitioner No. 1 is not being corroborated by the medical opinion as recorded in the impugned order by the learned Sessions Judge and the accusation of further assault is omnibus and general against other five co-accused persons when only one injury has been found, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 ACJM-IV, Siwan in connection with Siswan P.S. Case No. 144 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

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