

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54208 of 2018

Arising Out of PS. Case No.-198 Year-2017 Thana- MUFFASIL District- West Champaran

Pintu Pandey S/o Baidyanath Pandey, R/o Vill.- Khairatia, P.S.- Bettiah
Muffasil (Manuapul), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-10-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel representing the informant.

The petitioner in the present case is seeking regular bail in connection with Bettiah (Muffasil) Manuapul P. S. Case No. 198 of 2017 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 307, 384, 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier this petitioner along with co-accused had moved this Court in Cr. Misc.No. 2937 of 2018 for grant of regular bail, however, considering the fact that the criminal antecedent of the petitioner was not stated in paragraph 3 of the application, this Court while granting regular bail to the co-accused in the said case rejected the prayer for bail of the petitioner.



Learned counsel submits that the informant and the accused sides are closed agnates, they are fighting over a land and it is apparent from the materials available on the record that both the parties had gone for a free fight causing injury to each other side because of the said land dispute. Learned counsel for the petitioner submits that brother of this petitioner had lodged Bettiah (Muffasil) Manuapul P.S. Case No. 199 of 2017 against the informant side on the same day. It is submitted that on perusal of the impugned order of the learned Sessions Judge it would appear that so far as the allegation against this petitioner is concerned, it is alleged that he had given a Farsa blow on the head of Pramod Pandey, the father of the present informant, but on perusal of the injury report, copy of which is available on the record as Annexure-3 series, it would appear that a simple injury caused by hard blunt substance was noticed on the head of Pramod Pandey. It is, thus, submitted that there is no injury by the weapon attributed to this petitioner.

Learned counsel further submits that the petitioner's side had also suffered injuries. It is also submitted that the informant's side were granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court vide order dated 13.09.2017 passed in Cr. Misc. No. 37468 of 2017.



Learned counsel representing the informant has appeared and opposed the prayer of regular bail to the petitioner. His main contention is that the petitioner is accused in 8 cases indicated in paragraph 3 of the application. He was granted bail in all those cases but after grant of bail, the petitioner disappeared and did not present himself in court. It is submitted that even though the bail bonds of the petitioner were not cancelled in those cases specifically but the fact remains that only after arrest of the petitioner in connection with the present case on or about 20.11.2017, he has appeared in those cases. An affidavit in this regard has been placed on record on behalf of the informant.

Learned counsel for the petitioner has, however, controverted the statement of the informant and submits that after getting regular bail in the case which were mostly arising out of land dispute and false implication, the petitioner went in search of job in the State of Gujarat. He has brought on record Annexure-7 to the supplementary affidavit showing that the petitioner was working as Security Guard in the Security and Intelligence Services(P) Ltd at Gandhinagar and pay slips of the petitioner has been enclosed in the supplementary affidavit to show it is because of the fact that the petitioner was serving



outside the State he could not appear in some of the cases in which he was required to appear after submission of charge-sheet and cognizance.

Learned counsel submits that the petitioner was not aware of the issuance of the summons in those cases after the order of cognizance and that led to non-appearance but there was no default intentionally. It is submitted that the petitioner was not declared absconder in those cases and presently the petitioner has appeared in all the cases. It is, thus, submitted that at this stage when the petitioner is in custody for last about 11 months, his prayer of bail should be considered keeping in mind the allegations in the present case on merit and the treatment given to other co-accused by this Court.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that in the present case there is case and counter case which clearly indicate that a land dispute is going on between the informant and the petitioner's side and on the alleged date of occurrence both parties have lodged cases against each other in which they have mentioned about the land dispute. This Court also finds that there is allegation against this petitioner that he had given a Farsa blow on the head of father of the informant, however, the injury on



the head of father of the informant has been found to be simple in nature and caused by hard blunt substance. The co-accused have already been granted privilege of regular bail by this Court on earlier occasion. In view of the explanations furnished by filing supplementary affidavit on behalf of the petitioner and considering that the petitioner is in custody for last about 11 months by now in connection with the present case, this Court would direct release of the petitioner on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah in connection with Bettiah (Muffasil) Manuapul P. S. Case No. 198 of 2017 subject to the following conditions:

(i) The petitioner shall not commit the offence similar to the offence for which he is accused in the cases mentioned in paragraph 3 of the application.

(ii) He will not directly or indirectly make any inducement, threat or promise to the informant, his family members and the witnesses so as to dissuade them from disclosing true and correct facts to the court in course of trial.

(iii) The petitioner will not tamper or indulge in such act of tampering with the evidence.



(iv) The petitioner shall put his appearance in course of trial on each and every date fixed in the court below and two regular failure to attend the court in course of trial without there being any specific and cogent reason acceptable to the learned trial court, the bail bond of the petitioner shall be cancelled and he will be taken in custody by the court below.

(v) The petitioner shall always disclose his whereabouts to the officer-in-charge of the Bettiah (Muffasil) Police Station whenever he goes outside the State of Bihar, however, in such cases he must present himself in the case in course of trial, failing which the learned court below shall cancel the bail bond of the petitioner without seeking any application on behalf of the prosecution.

This application stands allowed in the terms indicated hereinabove.

(Rajeev Ranjan Prasad, J)

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