

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72740 of 2018

Arising Out of PS. Case No.-172 Year-2018 Thana- BAJPATTI District- Sitamarhi

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1. Naresh Pandit, Son of Anand Pandit.
 2. Dinesh Pandit, Son of Anand Pandit.
 3. Amresh Pandit, Son of Anand Pandit.
 4. Rajesh Pandit, Son of Yogendra Pandit, All of resident of Village- Pipradhi Tole Bel Mohan, P.S. Bajpatti, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Partys

Appearance :

For the Petitioners : Mr. Alok Kumar Alok, Advocate.
For the Opposite Party : Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 307, 354 and 379 of the IPC.

The prosecution story, in brief, is that the accused persons assaulted the informant Daulatia Devi, her son and her husband with intention to kill them on the order of Mukhiya Shyam Chaudhary. Petitioner no. 1 Naresh Pandit gave *Farsa* blow on her husband's head with intention to kill him. Due to which, he sustained head injury and fell down. Petitioner no. 4 Rajesh Pandit disrobed her and all accused persons assaulted her



son with *Lathi, Danda*, fists and slaps. Petitioner no. 3 Amresh Pandit, snatched RS. 4500/- from the pocket of her son. On hulla, villagers came and saved their life.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. Nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. (Pupri), Sitamarhi, in connection with Bajpatti P.S. Case No. 172 of 2018, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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