

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51782 of 2019

Arising Out of PS. Case No.-366 Year-2018 Thana- PAHARPUR District- East Champaran

1. RAGHAV PANDEY S/o Late Asarfi Pandey
2. Satan Pandey S/o Late Ram Bachan Pandey
3. Lalan Pandey S/o Late Ram Bachan Pandey
All resident of Village- Nawadih, P.S.- Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-08-2019 Heard both sides.

The petitioners apprehend their arrest in Paharpur P.S.
Case No.366 of 2018 registered under Section 307 and other
Sections of the Indian Penal Code.

The informant named six persons including three
petitioners and alleged that while he was constructing house
near A.T.M., all the accused persons came and assaulted the
informant. Lalan Pandey assaulted him with iron rod on his
head and the informant fell down on the ground. The accused
persons also snatched chain made of gold. The nephew of the
informant came and saved the informant.

The learned counsel for the petitioners submits that



six persons are named in the F.I.R. but only specific allegation of assault is made against Lalan Pandey. The injury found on head of Birendra Kumar Pandey(the informant) is simple in nature. Birendra Kumar Pandey got one grievous injury on little finger which is opined to be grievous in nature on account of fracture but Birendra Kumar Pandey did not disclose that who caused fracture injury in his finger. Petitioners are co-sharers and agnates of the informant. There is a land dispute between two sides and Title Suit No.518 of 2009 is pending between them.

It appears that petitioner No.3(Lalan Pandey) is assailant of the informant and the informant got three injuries out of which one injury on left palm near little finger is opined to be grievous in nature on account of fracture.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner No.3(Lalan Pandey) on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner No.1, namely, Raghav Pandey and petitioner No.2, namely, Satan Pandey is concerned, they are of course named in the F.I.R. but no specific allegation of assault is made against them.

Taking into consideration the facts aforesaid, let the



petitioner No.1, namely, Raghav Pandey and petitioner No.2, namely, Satan Pandey, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari in connection with Paharpur P.S. Case No.366 of 2018(G.R. Case No.8958/18), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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