

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52612 of 2019**

Arising Out of PS. Case No.-59 Year-2019 Thana- AANDAR District- Siwan

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BINAY KUMAR PANDEY @ VINAY KUMAR PANDEY Son of Bharat Pandey Resident of Village-Mahmudpur, Police Station-Andar, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

|                          |   |                           |
|--------------------------|---|---------------------------|
| For the Petitioner/s     | : | Mr.Rajesh Kumar Chaudhary |
| For the Opposite Party/s | : | Mr.Amit Kumar Rakesh      |
| For the informant        | : | Mr. Ajay Kumari Pandey    |
|                          |   | Mr. Sandeep Kumar         |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      23-08-2019                      Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Aandar Police Station Case No. 59 of 2019, disclosing offences under Sections 341/323/504/506/379/34 of the Indian Penal Code.

The allegation against the petitioner, as per the complaint, is that the petitioner along with 3-4 other persons, came on a black-coloured car and assaulted the informant and his father and also snatched a golden chain, worth Rs. 50,000/-, from the neck of the father of the informant.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated by the informant inasmuch as from perusal of the First Information Report, it is evident that there is a marriage dispute between the informant and his wife and the petitioner had actually advised the informant, in a panchayati, to keep his wife properly. He further submits that all sections, except Section 379 of the Indian Penal Code, are bailable, for which the allegation is that the petitioner allegedly snatched a golden chain from the neck of the father of the informant.

On the other hand, learned Counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioner is a history-sheeter and altogether 7 cases are pending against him. He further submits that from perusal of the injury report, which is part of the case diary, in paragraph 19, it would be evident that one of the injuries caused to the informant is grievous in nature, and as such the petitioner does not deserve privilege of anticipatory bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has got criminal antecedent inasmuch as 7 cases are pending against



him, as stated in paragraph 3 of this application, and further that the injury caused to the informant is grievous in nature, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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