

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2868 of 2020**

Arising Out of PS. Case No.-120 Year-2019 Thana- NAUTAN District- Siwan

1. Balister Pandey Son of Late Vikrama Pandey
2. Kalaktar Pandey Son of Late Vikrama Pandey
3. Raju Pandey Son of Balister Pandey

All Resident of Village - Bishambhrapur, P.S.- Nautan, District- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Ganesh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Nautan P.S. Case No. 120 of 2019 registered for the offences
punishable under Sections 341, 323, 307, 354, 34 of the Indian
Penal Code.

There is specific allegation of assault against
petitioners no. 1 and 2 and so far as petitioner no. 3 is



concerned, no specific overt-act has been attributed against him.

Learned counsel for the petitioners submits that one day prior to institution of the present case, petitioner no. 2 lodged Nautan P.S. Case No. 119 of 2019 against the informant and others for causing injury to him as well as petitioner no. 1.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of nature of injury sustained by injured of this case, it is ordered that petitioner no. 3, namely, Raju Pandey, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Siwan in Nautan P.S. Case No. 120 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

So far as prayer for anticipatory bail of petitioners no. 1 and 2 is concerned, the same stands rejected. However, if they surrender and seek regular bail before the court below within six weeks from today, the concerned court shall consider the regular bail application of petitioners no. 1 and 2 on its own merit without being prejudiced by rejection order, particularly,



keeping in mind that there is case and counter case between the parties and both parties appear to have sustained injury.

(Hemant Kumar Srivastava, J)

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