

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4632 of 2020**

Arising Out of PS. Case No.-677 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

Ashok Kumar Pandey @ Ashok Pandey Son of Late Banke Pandey Resident
of Village- Turkanha, P.S. and Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan
For the Opposite Party/s : Mr.Anand Kishore Choudhary

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 29-02-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 452, 354B, 379 and 427/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Sanjay
@ Prakash Pandey recorded by S.I., B.N. Roy of Town P.S.
Gopalganj at Emergency ward of Sadar Hospital, Gopalganj is
to the effect that on 09.12.2019 at 2.30 P.M. the informant was
in his house when six FIR named accused persons including the
petitioner and five unknown came at the house of the informant
and on the order of the petitioner Ashok Pandey, petitioner
Ashok Pandey, co-accused Monu and Prince caught hold of the



informant and pushed him on the ground then petitioner Ashok Pandey assaulted with Farsa on the head of the informant and all the three persons dragged the informant after putting a towel around the neck of the informant and when the informant's wife Pushpa Devi came to rescue then three co-accused persons caught hold of her hair lock and tore her clothes and made her semi naked, thereafter, they assaulted the wife of the informant on back, neck and head with lathi. In the meantime, co-accused Prince Pandey assaulted with axe on the head of the informant which caused injury on his right leg. It is specifically alleged that co-accused Rashmi Kumari, Geeta Devi and Kajal Kumar assaulted the wife of the informant with lathi, danda and petitioner Ashok Pandey, co-accused Prince Pandey and Monu Pandey took away clothes, jewellery and cash amount of Rs.20,000/- and when the son of the informant, Ayush Pandey came then petitioner Ashok, co-accused Monu and Prince assaulted him and co-accused Ajay, Rashmi and Geeta damaged and refrigerator and motorcycle of the informant.

It is submitted by learned counsel for the petitioner that the specific accusation of assault by the petitioner is on the head of the informant, though, the injury report of the informant suggests that he has received lacerated wound on left leg. The



wife of the informant has received on her scalp when specific accusation of assault to the wife of the informant is against co-accused Rashmi Kumari, Geeta Devi and Kajal Kumari. It is further submitted that wife of the petitioner lodged Gopalganj Town P.S. Case No. 671 of 2019 on 04.12.2019 with accusation under Sections 341, 323, 354, 504, 506 and 379 against the informant and his family members when the present FIR was registered on 09.12.2019. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant that though the informant has not received injury on the head but there is accusation against the petitioner to have made assault on the head of the informant with Farsa.

Considering the fact that the petitioner alleged to have made assault with Farsa on the head of the informant but the medical opinion does not corroborate the accusation and the accusation of assault to the wife of the informant is against three ladies, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below



within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case No. 677 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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