

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6789 of 2020

Arising Out of PS. Case No.-243 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. ASHOK PANDEY Son of Paras Pandey Resident of Divan Parasa, P.S.- Fulwariya, Distt - Gopalganj.
2. Sugreev Pandey @ Mintu Pandey Son of Paras Pandey Resident of Divan Parasa, P.S.- Fulwariya, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-10-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Sections 341, 323, 447, 327, 307, 504 and 34 of the Indian Penal Code.

Informant has alleged in his written complaint that on 16.11.2019 at about 9.30 PM while he was at his house, petitioners alongwith FIR named accused came there and started abusing and assaulting. Petitioner No. 1 Ashok Pandey assaulted



by sword on the head of his son and petitioner no. 2 Sugreev Pandey @ Mintu Pandey assaulted him by means of sword with intention to kill them and they sustained bleeding injuries.

It has been submitted on behalf of the petitioners that petitioners are full brothers and they are innocent and have been falsely implicated in this case due to land dispute and previous enmity. There is case and counter case. Petitioners have no criminal antecedents.

Considering the aforesaid facts and circumstances of the case, prayer of anticipatory bail of **petitioner no. 2 Sugreev Pandey @ Mintu Pandey is allowed**, in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Fulwaria P.S. Case No. 243 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner no. 2 Sugreev Pandey @ Mintu Pandey shall co-operate in the trial and shall be properly represented on



each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner no. 2 Sugreev Pandey @ Mintu Pandey tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner no. 2 Sugreev Pandey @ Mintu Pandey.

So far as petitioner No. 1 is concerned. There is allegation that he caused grievous injury with sword to the son of informant.

In that view of the matter, I am not inclined to grant bail to the petitioner no. 1 at this stage. Accordingly his bail application is dismissed.

However, if petitioner no. 1 surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by this order.

(S. Kumar, J)

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