

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17801 of 2020

1. Hans Kumar @ Hansh Kumar Pandit aged about 40 years, Gender-Male, son of Late Kalut Pandit.

2. Dipak Pandit @ Dipak Kumar aged about 18 years, Gender-Male S/o- Hansh Kumar @ Hansh Kumar Pandit.

3. Ganesh Kumar, aged about 19 years, Gender-Male, son of Hansh Kumar @Hansh Kumar Pandit.

4. Saroja Devi @ Saroj Devi aged about 38 years , Gender-Female, wife of Hansh Kumar @ Hansh Kumar Pandit.

All resident of village-Beri, P.S .Bikram, District-Patna

.....

Petitioners

Versus

The State of Bihar

.....

Opposite party

Appearance

For the Petitioner/s : Shri Krishna Prasad Singh, Sr. Advocate

Shri Bhaskar Shankar, Adv.

For the State : Shri Anil Kumar Singh no.1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 11.09.2020

Heard learned Senior counsel for the petitioners and
learned A.P.P for the State through video conferencing.

At the outset it is submitted by learned Senior counsel
appearing for the petitioners that during pendency of this



application the petitioners nos.1 and 2 have been arrested and as such he seeks permission to withdraw this application so far as petitioner nos. 1 and 2 are concerned.

In view of the above, the application so far as petitioner nos.1 and 2 are concerned, stands dismissed as withdrawn.

The instant application for anticipatory bail has been filed by the petitioner nos. 3 and 4 apprehending their arrest in connection with Bikram P.S. Case No.269 of 2019 registered under sections 307, 341, 323 and 34 of the Indian Penal Code.

As per allegation in the F.I.R, it is stated that four petitioners herein came variously armed and assaulted the brother of the informant with iron rod on his head, as a result of which he fell down unconscious. Even thereafter the accused persons continued to assault him with *Lathi*, *Danda* etc. It is stated that the informant was also assaulted.

It is submitted by learned Senior counsel for the petitioners that the allegations are false and concocted. The allegations against the petitioners are general and omnibus in nature. Nothing specific has been stated as to which of the accused persons caused injuries on the injured Chitranjan



Pandit. Both the parties are neighbours as also agnates and there is pending land dispute between them which has led to lodging of the instant false case. It is further submitted that most of the injuries are simple in nature. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State who referring to the injury report of Chitranjan Pandit as contained in Annexure-3 series states that the injuries on him was caused by hard and blunt object and in the opinion of the doctor at least one of the injuries was grievous in nature.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including there being an injury on the scalp of the informant's brother, one of the injuries being grievous in nature, this Court is not inclined to enlarge the petitioner no.3 on anticipatory bail and as such the application for anticipatory bail of petitioner no.3 stands rejected.

So far as petitioner no.4 is concerned, she being a female, the Court is inclined to enlarge the petitioner no.4 on anticipatory bail. The petitioner no.4 is directed to surrender in the Court below within a period of eight weeks from today and



in the event of her arrest or surrender in connection with Bikram P.S. Case No.269 of 2019, she will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Danapur, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

Bibhash

U		T	
---	--	---	--

