

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21154 of 2020**

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1. Navin Kumar Pandey @ Naveen Pandey, son of late Sudama Pandey
2. Sanjay Pandey, son of late Sudama Pandey
3. Gultus Pandey, son of Navin Kumar Pandey @ Naveen Pandey
4. Rajeev Pandey, son of Navin Kumar Pandey @ Naveen Pandey
All are resident of village-Balgudar, P.S.-Lakhisarai, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.R. B. Raman, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-07-2020 Learned counsel for the petitioners undertakes to remove all the defects within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Lakhisarai P.S. Case No.913 of 2019 registered for the offences under Sections 341, 323, 307, 379 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that from the first information report itself it will appear that there is a land dispute between the parties and on account of that land



certain transactions have taken place which has given rise to the present case in which it is alleged that the petitioners had assaulted the informant and his father. It is submitted that petitioners have got no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners. It is submitted that these petitioners particularly Pravin Kumar (petitioner no. 1) and his two sons (petitioner nos. 3 & 4) had assaulted the informant and his father causing grievous injury on the person of the informant and his father which has been noticed by the learned Sessions Judge while rejecting the prayer for anticipatory bail of the petitioners. It is therefore submitted that the fact that these petitioners have participated in the alleged occurrence and they have assaulted the informant and his father causing grievous injuries to them, they do not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case wherein this court has noticed that there are specific allegation of assault against petitioner no. 1, 3 and 4 of giving assault by Lathi upon the informant and his father and then the same has caused grievous injury on the person of the informant and his father, this court is not inclined to grant privilege of



anticipatory bail to petitioner nos. 1, 3 and 4.

Their prayer for anticipatory bail of petitioner nos. 1, 3 and 4 is, thus, refused.

In case, they surrender and pray for regular bail within a period of four weeks from today in the court below their prayer for regular bail shall be considered by the court below on it's own merit without being prejudiced by the orders of this court.

So far as petitioner no. 2 is concerned, it appears that he has not caused any injury to the informant and his father and as such this court is inclined to grant privilege of anticipatory bail to petitioner no. 2, let the petitioner no. 2 above named in the event of his arrest or surrender within a period of six weeks from today in connection with Lakhisarai P.S. Case No.913 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Lakhisarai, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application is partly allowed.

(Rajeev Ranjan Prasad, J)

rajeev/arvind-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

