

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30480 of 2020**

Arising Out of PS. Case No.-196 Year-2020 Thana- SIMRI District- Buxar

1. UMA KANT PANDEY Son of Late Shiv Kumar Pandey Resident of Village- Simri (Ramopatti), P.S.- Simri, District- Buxar.
2. Dinanath Pandey Son of Late Lal Mohan Pandey Resident of Village- Simri (Ramopatti), P.S.- Simri, District- Buxar.
3. Om Ji Pandey Son of Sri Vidyapati Pandey Resident of Village- Simri (Ramopatti), P.S.- Simri, District- Buxar.
4. Shubham Pandey Son of Late Shashi Kant Pandey Resident of Village- Simri (Ramopatti), P.S.- Simri, District- Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shree Kant Pandey, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

For the Informant : Mr. Aditya Nath Pandey, Advocate

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

2 23-11-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Yogendra Kumar, learned A.P.P. for the State.

The petitioners in the present case are seeking regular bail in connection with Simri P.S. Case No. 196 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that the



petitioners and the informant's side are co-sharers and there being a land dispute between the parties, the entire family members of the petitioners' side have been made accused in the present case.

Learned counsel submits that there are altogether 12 accused in this case and the allegations save and except against petitioner no. 1 are general and omnibus. Learned counsel submits that so far as petitioner no. 1 is concerned there is an allegation that he had assaulted Sidhnath Chaudhary by an iron rod and had caused head injury but the medical examination report of said Sidhnath Chaudhary does not show any head injury. It is thus, submitted that the falsity of the F.I.R. may be found in the fact that it is not only a case of over implication but also a case of exaggerated allegations which do not find support from the medical examination report of the injured.

Learned counsel submits that the another allegation against petitioner no. 1 is that he had given an iron rod blow on the left hand of said Sidhnath Chaudhary and the secondary report of said Sidhnath Chaudhary shows that there is a fracture of Ulna bone which is grievous in nature.

It is his submission that considering that the parties are co-sharers and there is a land dispute as also that so far as



petitioner nos. 2, 3 and 4 are concerned there is no specific allegation against them, there are general and omnibus allegations and all these petitioners have remained in jail since 07.07.2020, their prayer for regular bail be considered.

It is also submitted that the injury noticed on others are simple and one of the injuries of Shankar Chaudhary has been found grievous but the fact that those injuries are not specifically attributed to any of the accused and there are 12 accused in this case, the petitioners deserve privilege of regular bail.

Mr. Aditya Nath Pandey, learned counsel has entered appearance on behalf of the informant. He has opposed the prayer for regular bail of the petitioners. He has submitted that there was an injury on the eye-brow and left ear pinna also on the body of Sidhnath Chaudhary but he admits in course of argument that these two injuries are simple in nature and as regards these injuries the allegations are general and omnibus. So far as the simple injuries caused to other, learned counsel for the informant has not shown that there is any specific allegation against petitioner nos. 2, 3 and 4.

Learned APP for the state has also endorsed the submission made on behalf of the informant.

Having regard to the facts and circumstances of the case, wherein this Court finds that so far as petitioner no. 1 is



concerned the allegation against him that he had given blow on head by an iron rod is not substantiated from the medical examination report and though there is an allegation giving assault on left hand also, considering that he has remained in jail for over four months and the nature of dispute is such that both the parties are co-sharers and fighting for possession over a piece of land as also further considering that so far as petitioner nos. 2, 3 and 4 are concerned there are no specific allegation against them, there are general and omnibus allegations and the injury noticed on the body of Shankar Chaudhary and Jitendra Chaudhary are not specifically attributed to them, all of them having remained in jail for over four months and there being no submission on behalf of the State that their release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioners above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Buxar in connection with Simri P.S. Case No. 196 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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

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'.

