

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86433 of 2019

Arising Out of PS. Case No.-347 Year-2019 Thana- KUDRA District- Kaimur (Bhabua)

1. BALISTER PANDEY Son of Saryu Pandey Resident of Village- Barka Ramdihara, P.S.- Kudra, District- Kaimur at Bhabua.
2. Dimpal Pandey Son of Wakil Pandey Resident of Village- Barka Ramdihara, P.S.- Kudra, District- Kaimur at Bhabua.
3. Pandit Pandey Son of Wakil Pandey Resident of Village- Barka Ramdihara, P.S.- Kudra, District- Kaimur at Bhabua.
4. Mangaru Pandey Son of Balister Pandey Resident of Village- Barka Ramdihara, P.S.- Kudra, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 At the outset, the learned counsel for the petitioners seeks not to press the present petition *qua* the petitioner no. 2 since the grievous injuries caused, is attributable to him, hence seeks liberty to surrender before the learned court below and apply for regular bail.

Accordingly, the present petition *qua* the petitioner no. 2 stands dismissed as not pressed, however with liberty to him to surrender before the learned court below and pray for regular bail.

Heard the learned counsel for the petitioners and the



learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Kudra case no. 347 of 2019 registered for the offences punishable under Sections 341, 323, 307, 504/34 of Indian Penal Code.

The allegation is regarding the accused persons having assaulted the informant and some other persons.

The learned counsel for the petitioners has submitted that it has transpired during investigation that Dimple Pandey and one co-accused person namely Wakil Pandey had assaulted the injured persons by *tangi and lathi*. It is thus submitted that as far as petitioners no. 1, 3 and 4 are concerned, there is no specific allegation of any sort of overt act, hence they are entitled to the privilege of anticipatory bail. It is further submitted that the petitioners are having clean antecedent.

The learned counsel for the informant has submitted that the main allegation of assault is on the petitioner no. 2 and co-accused person namely Wakil Pandey.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioners coupled with the fact that there is general and omnibus allegations levelled against the petitioners



no. 1, 3 and 4 and the grievous injuries are not attributable to them, I deem it fit and appropriate to admit the petitioners no. 1, 3 and 4 to the privilege of anticipatory bail. Accordingly, petitioners no. 1, 3 and 4, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Vith, Bhabua, Kaimur in connection with Kudra PS case no. 347 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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