

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23727 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- NALANDA District- Nalanda

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1. Surendra Pandey, Male, aged about 38 years, Son of Late Surya Shekhar Pandey.
 2. Rajnish Kumar @ Amol Singh, Male, aged about 48 years, Son of Naresh Singh.
 3. Nishant Kumar, Male, aged about 23 years, Son of Rajnish Singh.
All residents of Village- Begampur @ Vegampur, Police Station- Nalanda, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP
For the Informant	:	Mr. Vibhuti Ranjan Sonvadra, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners, which was allowed.

3. Heard Mr. Shashank Shekhar, learned counsel for the petitioners; Mr. Mukesh Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Vibhuti Ranjan Sonvadra, learned counsel for the informant.

4. The petitioners apprehend arrest in connection with Nalanda PS Case No. 76 of 2020 dated 13.06.2020, instituted under Sections 341, 323, 324, 504, 506, 379, 307 and 354/34 of the Indian Penal Code.



5. The allegation against the petitioners is of assaulting the informant and another person with iron rod causing injuries.

6. Learned counsel for the petitioners submitted that both the parties are neighbours and there was dispute relating to keeping of cow dung which has resulted in a fight in which both the sides have suffered injury and there is also a counter case for the same incident filed by the mother of the petitioner no. 1, being Nalanda PS Case No. 77 of 2020. It was submitted that the injury report discloses simple injuries and though the doctor has written words like “dangerous and life danger”; however, the same does not make any sense as ultimately, the injuries are said to be simple in nature. Thus, learned counsel submitted that there may have been scuffle between the two sides, but the issue being trivial and the parties being neighbours and no serious injury caused, the Court may grant indulgence. Learned counsel further submitted that the petitioners have no other criminal antecedent.

7. Learned APP submitted that there is allegation of assault on the informant and other person by the petitioners. However, in view of copies of injury reports being brought on record, it was not controverted that the same have been found to be simple in nature caused by hard blunt substance.



8. Learned counsel for the informant submitted that the doctor has found the injuries to be “dangerous and life danger” and, thus, it shows that the wounds inflicted were serious in nature. However, he too could not controvert that the ultimate opinion is simple in nature and further the import of such words used by the doctor could also not be explained. However, learned counsel vehemently opposed the prayer of the petitioners for grant of anticipatory bail.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the parties being neighbours and basically no serious reason given in both the FIRs with regard to the incident, it can be presumed that the genesis is of a trivial nature for no strong reason or motive has been assigned for the incident in either of the FIRs. Further, the petitioners having clean antecedent, if visited with penal consequences, the situation at the local level may reach a point of no return with no scope for reconciliation and even otherwise, the doctor finding the injuries to be simple in nature, the Court is inclined to allow the prayer for pre-arrest bail.

10. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda in Nalanda PS Case No. 76 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners and (iii) that they shall co-operate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

11. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

12. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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