

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28062 of 2021**

Arising Out of PS. Case No.-772 Year-2020 Thana- SARAIYA District- Muzaffarpur

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SURESH PANDEY S/o Late Gopal Pandey Resident of Village- Harpur Beni,
P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 16-06-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

Informant has alleged that on 19.11.2020 at 8:30 p.m., while he was sitting at his *darwaja*, FIR named accused including the petitioner came there variously armed with lathi, danda and iron rod and started assaulting him. In the meantime, co-accused Manish Kumar ordered to kill him thereupon

Suresh Pandey (petitioner) armed with sword inflicted blow on his neck but it hit on his cheek. When younger sister of the informant came to rescue him, she was also assaulted by accused persons and co-accused Priyanka Kumari asked others to kill the sister of informant then co-accused Shivani inflicted her with iron rod, as a result of which, she sustained bleeding injury from her mouth. It is also alleged that the accused persons also took away golden chain from the neck of sister of the informant.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to dirty village politics. It is further submitted that informant is Pattidar and next door neighbour and due to filling of soil, only hot exchange took place but a concocted story has been cooked up to implicate the petitioner and others. It is next contended that it is clear from FIR that incident took place on 19.11.2020 and the injured persons went to hospital on 20.11.2020 which shows that in manged way, informant and her sister went to private hospital and the doctor of private hospital has given the injury report regarding informant that injury may be grievous, so the injury report given by the private doctor cannot be relied. It is further contended that one Priyanka Kumari, co-accused of

this case, at the time of occurrence, was pregnant of eight months and another co-accused Ganesh Pandey was posted at Hathauri police station as Home Guard and both have been made accused in the said case, which shows that entire allegations are false. Petitioner has no criminal antecedent and he is in custody since 22.12.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Saraiya P.S. Case No. 772 of 2020 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of

bail of the petitioner.

(S. Kumar, J)

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