

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33477 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- JOGAPATTI District- West Champaran

Vijay Pandey Son of Maksudan Pandey @ Arunoday Pandey Resident of
Village - Pipra, P.S. - Yogapatti, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.P.K.Chaurasia

Mr.Bijay Kant Mani Tripathi

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Yogapatti P.S. Case No. 10 of 2021, registered for the offence under Section 147, 149, 447, 341, 323, 324, 307, 302, 504, 506 of the I.P.C.

As per the prosecution case, on 05.01.2021, all the FIR named accused persons including this petitioner came at the door of the informant and started abusing husband of the informant and others and when it was objected, all the accused persons started assaulting husband of the informant and other family members, as a result of which, husband of the informant became unconscious and during course of treatment the husband of the informant succumbed to injuries.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case due to a dispute relating to pond and village politics. As a matter of fact, both parties are



agnates and due to dispute over the pond, an altercation took place between them and deceased had fallen on the road in drunken condition and due to which, he sustained injury and taking advantage of such situation, the informant has implicated the petitioner and other family members in this case. There is general and omnibus allegation of assault against this petitioner. Petitioner is not assailant of the deceased and specific overt act has been alleged against other co-accused persons. Petitioner claims clean antecedent and he is in custody since 21.01.2021.

However, counsel for the informant has opposed the bail petition and submitted that this petitioner is also named in the FIR and there is direct allegation of assault on the head of the deceased by petitioner. The *post-mortem* report also disclosed two ante-mortem injuries over the head of the deceased. During course of investigation, many witnesses have supported the prosecution case and specifically alleged that this petitioner was one of the members, who assaulted the deceased.

Considering the materials available on record as well as rival submission of the parties and nature of allegation, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned C.J.M., Bettiah, West
Champaran in connection with Yogapatti P.S. Case No. 10 of
2021, on the following conditions:

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

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

(Prabhat Kumar Singh, J)

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