

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33474 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- BHITAHA District- West Champaran

Hansh Nath Pandey @ Hans Nath Pandey Son of Ramdhari Pandey Resident
of Village- Dihipakri Malahi Tola, P.S.- Bhitaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan

For the Opposite Party/s : Mr.Nityanand

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 Bhitaha P.S. Case No. 97 of 2020, registered for the offence under Section 307 & other allied sections of the Indian Penal Code.

As per the prosecution case, on 02.07.2020 at about 3:00 PM, while the informant was planting paddy crops in her field, all the FIR named accused persons including this petitioner came there and started abusing and assaulting her. It is further alleged that when informant's husband and other family members came to save her (informant), they were also assaulted by the accused persons.

There is case and counter case. The present case is counter blast to the case filed from the petitioner's side i.e.



Bhitaha P.S. Case No. 96 of 2020 (Annexure – 2). Petitioner and informant side are own *Gotiya* and informant is own *Bhabhi* of the petitioner. There is admittedly land dispute between the parties. The injuries sustained to the informant and others are simple in nature, except one fracture injury has been found to be grievous in nature on the body of Ramdhari Pandey (father-in-law of informant), which was not caused by this petitioner. Petitioner is in custody since 28.01.2021. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, 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 A.C.J.M., Bagaha, District - West Champaran in connection with Bhitaha P.S. Case No. 97 of 2020, 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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