

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33569 of 2020

Arising Out of PS. Case No.-158 Year-2017 Thana- GORAUL District- Vaishali

1. VIRCHANDRA PANDIT @ BIRCHANDRA PANDIT S/o Yugeshwar Pandit Resident of Village- Majiya, P.S. Goraul (Kathara O.P.) District- Vaishali.
2. BHARAT PANDIT @ BHARAT KUMAR S/o Birchandra Pandit @ Virchandra Pandit Resident of Village- Majiya, P.S. Goraul (Kathara O.P.) District- Vaishali.
3. VIRJU PANDIT @ BIRJU PANDIT S/o Visheshwar Pandit Resident of Village- Majiya, P.S. Goraul (Kathara O.P.) District- Vaishali.
4. RAMESH PANDIT S/o Visheshwar Pandit Resident of Village- Majiya, P.S. Goraul (Kathara O.P.) District- Vaishali.
5. RAJA PANDIT S/o Visheshwar Pandit Resident of Village- Majiya, P.S. Goraul (Kathara O.P.) District- Vaishali.
6. LAL BAHADUR PANDIT S/o Visheshwar Pandit Resident of Village- Majiya, P.S. Goraul (Kathara O.P.) District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-03-2021 Heard Mr. Rajesh Kumar, learned counsel for the petitioners and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Goraul P.S. Case No. 158 of 2017 dated 02.07.2017 instituted for the offences under Sections 341, 323, 324, 308, 354, 379, 504 and 34 of the Indian Penal Code.



Because of erecting a hut on a disputed land, an occurrence took place in which the petitioners are said to have assaulted the informant and other members of the prosecution party. The specific accusation of assault by a sword has been alleged against petitioner no. 1, which has caused one grievous injury to the informant.

All other victims are said to have received simple injuries.

Learned counsel for the petitioners has pointed out that with respect to the same occurrence, the father of petitioners nos. 3, 4 and 5 have also filed a case in which the petitioners and others have been seriously injured.

Apart from this, it has been submitted that the accusation against petitioner no. 1 of having used a sword to attack the informant is incorrect and such statement is belied by the injury report of the informant.

The informant has received two injuries; one on the temporal region whereas the other on the shoulder and on the upper part of the chest. The injury on the shoulder and upper part of the chest is in the nature of swelling but has been opined to be grievous. The injury no. 1 which is on temporal region of the informant has been stated to be simple in nature. The



injury reports of Sahelia Devi, Vishwanaath Pandit, Bhola Pandit and Sudishta Pandit reflect that they have received simple injuries.

Considering the aforesaid background facts and taking into account that the petitioners no. 2 to 6 have clean antecedents whereas final report false has been submitted against petitioner no. 1 in a criminal case which was lodged against him prior to the occurrence, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Vaishali at Hajipur in connection with Goraul P.S. Case No. 158 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

