

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8884 of 2021**

Arising Out of PS. Case No.-106 Year-2020 Thana- BELSAND District- Sitamarhi

PRAMOD PANDEY Son of Late Gaya Pandey Resident of Village - Belsand
Khurd , Ward No.11, P.S.- Belsand, Dist.- Sitamarhi.(Bihar)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tejendra Sinha, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-05-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Belsand P.S. Case No. 106 of 2020 registered
for the offences punishable under Sections 341/323/337/338/
307/379/504/506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story, when the informant was returning to his
home from Belsand Market, seven named accused persons
variously armed surrounded and assaulted him. When the
informant raised halla, his son and two co-villagers namely Anuj



Kumar and Ram Sakal Bhagat came to save him but both the co-villagers were brutally assaulted on head causing serious injury. In the meantime, other co-villagers gathered at the place of occurrence and all the accused persons fled away and with the help of the villagers both the injured were brought to the hospital for treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegation against this petitioner is that of causing assault to one Anuj Kumar but from the impugned order of the learned Sessions Judge, it appears that the said Anuj Kumar has not been treated as injured as a police case and no injury has been reported.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it appears on perusal of the First Information Report that there are altogether seven named accused persons against whom the allegations are that of causing assault on the prosecution party, the dispute seems to have taken place on some petty issues and because of the some rivalries allegedly occasioned during the election and further so far as the present



petitioner is concerned, allegation against him is that of causing assault to one Anuj Kumar but from the impugned order of the learned Session Judge, it appears that the said Anuj Kumar has not been treated as injured in P.M.C.H. as a police case and no injury has been reported, in paragraph '3' although it is stated that the petitioner has got criminal antecedent of eight cases but at the same time it is stated that he is on bail in all these cases, considering that the petitioner has remained in jail in connection with the present case since 06.09.2020 and the allegations are general and omnibus, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Sitamarhi in connection with Belsand P.S. Case No. 106 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

