

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13871 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- DURAULI District- Siwan

1. KIRPASHANKAR PANDEY S/o Late Rajdeo Pandey Resident of Village- Gopalpur, P.S.- Darauli, Distt- Siwan
2. MANISHANKAR PANDEY S/o Late Rajdeo Pandey Resident of Village- Gopalpur, P.S.- Darauli, Distt- Siwan
3. MADHUKAR PANDEY S/o Nirmal Pandey Resident of Village- Gopalpur, P.S.- Darauli, Distt- Siwan
4. SHANKAR DAYAL PANDEY @ SHANKAR DAYAL S/o - Late Rajdeo Pandey Resident of Village- Gopalpur, P.S.- Darauli, Distt- Siwan
5. RAUSHAN PANDEY S/o Manmohan Pandey Resident of Village- Gopalpur, P.S.- Darauli, Distt- Siwan
6. MUKESH KUMAR PANDEY @ MUKESH PANDEY @ BARE PANDEY S/o Shiv Kumar Pandey Resident of Village- Gopalpur, P.S.- Darauli, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr. Ajay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-02-2022 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The petitioners are apprehending their arrest in Darauli P.S. Case No. 180 of 2020 registered for the offence under Sections 341, 323, 324, 307, 379, 447, 504, 506/34 of the Indian Penal Code.



Allegedly, while the informant with his cousin brother was getting constructed the temple in his ancestral land, the accused persons having armed surrounded the construction site and in consequence thereof, the informant was assaulted by Madhukar Pandey with spear (Bhala) as a result of which, he sustained injury. While the informant's brother came to rescue the informant, he was also assaulted. Some ornaments and cash are also said to have been snatched away in course of the occurrence.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. General and omnibus allegation has been made against the petitioner Nos. 1, 2, 5 & 6. So far petitioner No. 4 is concerned, he is alleged to have assaulted the victim Deonath Mishra. The nature of injury is said to be simple.

On behalf of the state and counsel for the informant, it is submitted that there is specific allegation of assault alleged



against the petitioner No. 3 and the nature of injury sustained by informant is said to be grievous.

Considering the aforesaid facts and circumstances of the case, the petitioner Nos. 1, 2, 4, 5 & 6, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Siwan in connection with Darauli P.S. Case No. 180 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far petitioner No. 3 is concerned, his prayer for anticipatory bail is rejected.

If the petitioner No. 3 surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

A.K.V.//-

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

