

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20577 of 2021

Arising Out of PS. Case No.-224 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Raj Kumar Pandey Son of Late Uma Shankar Pandey Resident of Village- Pandey Parsawan, P.S.- Magadh Medical, District- Gaya.
 2. Ajit Kumar Pandey @ Ajit Pandey Son of Raj Kumar Pandey Resident of Village- Pandey Parsawan, P.S.- Magadh Medical, District- Gaya.
 3. Purshottam Pandey @ Puttu Son of Ajit Kumar Pandey @ Ajit Pandey Resident of Village- Pandey Parsawan, P.S.- Magadh Medical, District- Gaya.
 4. Mayank Pandey Son of Ajit Kumar Pandey @ Ajit Pandey Resident of Village- Pandey Parsawan, P.S.- Magadh Medical, District- Gaya.
 5. Rohit Kumar Pandey @ Rohit Pandey Son of Ajit Kumar Pandey @ Ajit Pandey Resident of Village- Pandey Parsawan, P.S.- Magadh Medical, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-02-2022 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.



The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504, 34 of the Indian Penal Code.

The prosecution case as per F.I.R is that the son of the informant namely Nitish has been assaulted by petitioner No. 3 on his head by iron rod whereas daughter of the informant namely Nayanshi Kumari has been assaulted by petitioner No. 1 by khanti on her head. It is further alleged that another son of the informant namely Nivish Pandey has been assaulted by petitioner No. 4 on his head by lathi. It is also alleged that petitioner No. 5 has assaulted the daughter of the informant namely Moni Pandey @ Manjusa on her head. The accused persons also assaulted the other family members of the informant and snatched gold chain worth Rs. 54,000/-.

It is submitted by learned counsel for the petitioners that informant and the petitioner No. 1 are



full brothers and in the background of some land dispute, the present accusation has been levelled against the petitioners. There is counter version of the occurrence also. It is further submitted that for the alleged occurrence of 09.11.2020, the F.I.R was registered on 11.11.2020. A statement has been made in para 3 of the petition that petitioners has no criminal antecedent.

Considering the fact that the injuries of Nayanshi Kumari and Moni Pandey have been found to be grievous in nature which are alleged to have been caused by the petitioner Nos. 1 and 5 respectively, this Court is not inclined to grant anticipatory bail to them. The prayer for anticipatory bail of the petitioner Nos. 1 and 5 are hereby rejected.

Let learned Court below consider the prayer for regular bail of the petitioner Nos. 1 and 5, without being prejudiced by the order of this Court, if they surrender within a period of four weeks from today and pray for



regular bail.

So far as other petitioners are concerned, let the petitioners, above named, except petitioner Nos. 1 and 5, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV, Gaya in connection with Magadh Medical P.S. Case No. 224 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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