

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20492 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- SAUR BAZAR District- Saharsa

1. MANOHAR PANDIT SON OF LATE SIYARAM PANDIT Resident of Village - Bhavtiya, P.S.- Saur Bazar, Dist.-Saharsa.
2. MAHESHWAR PANDIT SON OF UMESH PANDIT Resident of Village - Bhavtiya, P.S.- Saur Bazar, Dist.-Saharsa.
3. PAPPU PANDIT SON OF DINESH PANDIT Resident of Village - Bhavtiya, P.S.- Saur Bazar, Dist.-Saharsa.
4. BEEJAL PANDIT SON OF MANOHAR PANDIT Resident of Village - Bhavtiya, P.S.- Saur Bazar, Dist.-Saharsa.
5. MANGAL PANDIT @ RANJAN PANDIT SON OF MANOHAR PANDIT Resident of Village - Bhavtiya, P.S.- Saur Bazar, Dist.-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rashmi Jha, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
For the Informant	:	Mr. Madhumay Madhup, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-05-2022 Heard Ms. Rashmi Jha, learned Advocate for the petitioners and Mr. Madhumay Madhup for the informant. The State is represented by Mr. Amitesh Kumar, learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Saur Bazar P.S. Case No. 178 of 2020 dated 28.04.2020 instituted for the offences under Sections 447, 341, 323, 324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

Though all the petitioners have been named as having



participated in the assault but the specific accusation has been hurled against petitioners no. 2 and 5 *viz.* Maheshwar Pandit and Mangal Pandit @ Ranjan Pandit, who are said to have assaulted Pintu and Pramod, who have received injuries.

So far as petitioners no. 1, 3 and 4 are concerned, the accusation against them is general and omnibus.

The learned counsel for the petitioners has submitted that the petitioner no. 1 has also filed a case against the informant and others *vide* Saur Bazar P.S. Case No. 179 of 2020 and that there is a Title Suit pending between the parties.

As opposed to the aforesaid contention, Mr. Madhumay, learned Advocate for the informant has submitted that though the accusation against petitioners no. 2 and 5 are very specific but the other petitioners also have participated in the assault.

Considering the nature of accusation against the petitioners no. 2 and 5 *viz.* Maheshwar Pandit and Mangal Pandit @ Ranjan Pandit respectively, I am not inclined to grant anticipatory bail to them.

Accordingly, their prayer for anticipatory bail is rejected.

However, if they surrender before the court below and



seek bail, their applications shall be considered on their own merits without being prejudiced by the fact that the present petition on their behalf has not been entertained.

So far as the petitioners no. 1, 3 and 4 are concerned, in view of general nature of accusation against them and pendency of a Title Suit between the parties as also the existence of a counter case lodged by petitioner no. 1, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail 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-II, Saharsa in connection with Saur Bazar P.S. Case No. 178 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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