

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13467 of 2022

Arising Out of PS. Case No.-555 Year-2021 Thana- ISLAMPUR District- Nalanda

FANINDRA KUMAR PANDEY Son of Late Badari Narayan Sharma
Resident of Village- Bakaur, Police Station- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Chandra Pandey, Advocate
For the Informant	:	Mr.Sikandar, Advocate
For the Opposite Party/s	:	Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 308, 354(B), 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner has antecedent of six cases as has been pleaded in the supplementary affidavit and all the cases have been instituted from the side of the informant as the petitioner and the informant are related as informant is own uncle of the petitioner and they are having land dispute. Learned counsel next submits that petitioner is not a criminal but he has been made a criminal on account of land dispute as the present informant and his



family members are in habit of instituting cases after cases.

The informant (Kamta Prasad) alleges that on 05.11.2021 he had gone to see his field when petitioner along with other named accused persons and 10 unknown suddenly came and intercepted him and attacked him on account of land dispute, it is next alleged that petitioner assaulted the informant with an iron rod causing injury on his shoulder and petitioner again assaulted him due to which he became semi-conscious and when his wife came to rescue, then petitioner outraged her modesty by tearing her blouse and caught her by hair and assaulted and dashed her on the ground. It is further alleged that when his son came to rescue him, Amit Kumar fired from his country-made pistol on his left eye but the shot misfired and his son was saved, it is next alleged that there are several cases pending against the accused persons and they have connections with criminals.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from perusal of the allegations as alleged in the FIR it would manifest that on account of land dispute, the present occurrence took place, it is next submitted that though the informant has alleged that petitioner along with accused and 10-15 unknown



came and assaulted him but then the FIR does not even remotely suggest or reflect that petitioner and the informant are related, learned counsel thus submits that the same has been deliberately done to give an impression that petitioner is an outsider and who on account of land dispute committed the occurrence along with his family members and unknown accused. Learned counsel further submits that though against the petitioner it is alleged that he assaulted by an iron rod on head of the informant but it missed and the informant got injury on his shoulder but then even presuming what has been alleged is true then the injury is on non-vital part of the body, it is further submitted that to give a serious color to the case, the allegation of firing has been alleged when no such occurrence ever took place, learned counsel further submits that even the informant has manipulated the injury report of his son showing that he got injury in his eyes when admittedly from the FIR itself it would be evident that Amit fired at the left eye of the son of the informant but the shot misfired, it is thus submitted that when the shot itself misfired, where was the occasion for causing any injury in the eye of the son of the informant.

Learned counsel for the petitioner submits that since there is a massive land dispute in the family as a result of which



the informant is trying to falsely implicate the petitioner and his family members in order to coerce them into submission, it is also submitted that from side of the petitioners also Islampur P.S. Case No. 556 of 2021 has been instituted against the informant and others, it is next submitted that on account of assault by the side of the informant, the present petitioner received grievous injury as would be evident from Annexure '3' to the anticipatory bail application.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner and learned counsel for the informant submits that the son of the informant received injury in eye for which he was treated, it is next submitted that the accused persons are habitual criminals but is not able to rebut the submissions of the learned counsel for the petitioner that informant is own uncle of the petitioner, there is a land dispute in the family and as far as allegation of firing is alleged, the same is not culled out from the allegations itself.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned court below where the
case is pending/successor court in connection with Islampur P.S.
Case No. 555 of 2021 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

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

