

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26552 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- DEO District- Aurangabad

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DINDAYAL PANDEY S/O Ramashish Pandey Resident of village -
Chandpur, P.S. - Deo, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Ajay Kumar Thakur Ravindra Kumar, Advocates
For the State	:	Mr. Tapeswar Sharma, APP
For the Informant	:	Mr. Santosh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 17-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 427 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on the cousin brother of the informant going and asking for his wages, it is stated by the informant that he was beaten up and forced to leave. On the informant again going and asking for the wages for his cousin brother, it is stated that the five named accused persons including the petitioner herein came, Nandkeshwar and Santosh caught hold of the hand of the cousin brother of the informant while the petitioner assaulted him on the head with a khanti as a



result of which the cousin of the informant fell down injured. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is case and counter case between the parties, the FIR of counter case being Annexure-4 to the petition having been registered by the wife of the petitioner herein. It is further submitted that while the occurrence is alleged to have taken place on 7.11.2020, inspite of the police station being at a distance of only 3 kms., information was given at the police station on 8.11.2020 at 9 a.m. without there being any reasonable explanation for the delay. In course of investigation no labourer has said that the informant's cousin was working at the brick kiln of the petitioner. There is no repetition of blow. The petitioner is in custody since 9.11.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is specific allegation of overt act against the petitioner who is the assailant of the deceased. The allegations in the FIR are supported from the contents of the postmortem report.

Having heard learned counsel for the parties and



taking into consideration the facts of the case, the allegations in the FIR where the petitioner is stated to have assaulted the cousin brother of the informant with a khanti on his head together with the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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