

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20522 of 2022

Arising Out of PS. Case No.-38 Year-2021 Thana- PALANWA District- East Champaran

VISHWESH KUMAR PANDEY Son of Chandra Bhushan Pandey Resident
of Village- Parsauna Tapasi, P.S.- Palanwa, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

Allegedly, while informant was returning to his home along with his nephew, the accused Vivek Kumar Pandey assaulted them with lathi, danda and tangi.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to grudge and previous enmity. No such occurrence, in the manner as alleged, has ever taken place. Petitioner is not named in the FIR and is made accused in this case only on the basis that he is the brother of main accused. There is no specific overt act against the petitioner rather the specific allegation is against the co-accused Vivek Kumar Pandey. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties. It is further submitted that the parties are agnates and due to a prevailing land dispute, petitioner has been implicated in this case. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that the injury sustained by the niece of the informant is grievous in nature.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner of assaulting the informant or his niece, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five 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 Palanwa P.S. Case No.38/2021, corresponding to G.R. No.331/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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