

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48402 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- SATHI District- West Champaran

Harakh Pandit @ Harshnarain Pandit S/O Feku Pandit Resident Of Village -
Samhauta, P.S. - Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The petitioner apprehends his arrest in connection
with Sathi P.S. Case No. 168 of 2020 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 354B,
307, 379 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
18.09.2020 at about 4 pm a Panchayati had been held over the
dispute of flow of rain water. After Panchayati all the accused
persons including the petitioner armed with weapons came at
the door of the informant and started abusing. On protest being



made by the informant, the petitioner torn the cloth of the informant and it is further alleged that the petitioner gave Farsa blow over the head of informant's neighbour and other assaulted him by lathi and danda. It is submitted by the learned counsel for the petitioner that with regard to same occurrence, the wife of the petitioner instituted Sathi P.S.Case No. 166 of 2020 on the basis of her fardbeyan recorded on 19.09.2020, wherein wife of the petitioner categorically stated regarding active participation of the informant and his family members.

At the outset, learned counsel for the petitioner submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the petitioner that there is unexplained delay of 14 days in lodging of the FIR. It is further submitted that in fact the occurrence has taken place on account of free fight due to which petitioner and six other persons have sustained injuries but prosecution has failed to explain the injuries sustained by them It is next submitted that though there is specific allegation of causing Farsa blow against the petitioner but the impugned order does not disclose the nature of injuries. It is lastly submitted that this petitioner is a man of clean antecedent and there is no allegation



of tampering with the evidence or intimidating the witnesses.

On the other hand, learned APP for the State opposes the bail application of the petitioner and submits that there is specific allegation against the petitioner that he gave Farsa blow over the head of the neighbour of the informant.

Having considered the submissions made on behalf of the parties and taking into consideration that there was a free fight between the parties due to which persons of both the sides sustained injuries but the prosecution has not explained about the injuries sustained to the other side, apart from the fact, delay in lodging of the FIR, and fair antecedent of the petitioner, let the petitioner above named, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah in connection with Sathi P.S.Case No. 168 of 2020 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relative of the petitioner.



(ii) The petitioner will cooperate in the investigation
as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or
intimidate the witnesses in course of investigation or during the
course of trial.

(Harish Kumar, J.)

N.K/-

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

