

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40039 of 2022**

Arising Out of PS. Case No.-110 Year-2022 Thana- BELHAR District- Banka

1. Rajesh Kumar @ Pankaj Pandit, Son of Birendra Pandit.
2. Arun Pandit, Son of Birendra Pandit.
3. Birendra Pandit Son of Surju Pandit.
All residents of village- Kujlagarhi, PS- Belhar (Kheshar), District- Banka
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate.
For the Opposite Party/s : Mr.A.G., APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner and learned
counsel for the State as also learned counsel for the informant.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Belhar (Kheshar) P.S. Case No. 110 of 2022 for the
offences under Sections 341, 323, 307, 504, 506, 34 of the
Indian Penal Code.

As per the prosecution story, it is alleged that when
the brother of the informant namely Dilip Pandit was standing
near 'Kali' Temple, the accused persons including the petitioner
herein assaulted him causing head injury and when upon 'hulla'
the informant and his mother arrived, they also assaulted the
lady as well as the informant. They were taken to the hospital



and cause behind the said occurrence is on watering of the wheat plants in the field.

Learned counsel for the petitioner submits that the present case is Belhar (Kheshar) P.S. Case No. 110 of 2022 whereas for the same occurrence they also lodged an FIR vide Belhar (Kheshar) P.S. Case No. 109 of 2022 in which the petitioner side also suffered injuries. He submits that both the petitioner side and the informant side are agnates and due to the land dispute, there was a 'marpit' which has been exaggerated in the matter. It is his further submission that irrespective of the result of the present bail application, the informant side also being their family members, they on their own want to provide medical treatment expenses to the tune of Rs. 25,000/- through Demand Draft issued through local Branch of State Bank of India in favour of Sanuja Devi, the mother of the informant.

Per contra, learned counsel for the informant submits that while in the FIR related to the petitioner side, the injuries are simple in nature whereas in this case Dilip Pandit received grievous injury and as such none of the petitioners deserve bail.

Be that as it may, there has been a 'marpit', FIR has been lodged by both the sides, none of the petitioners are having



criminal antecedents and they are in jail since 20.3.2022, this Court is inclined to grant them privilege of bail subject to payment of Rs. 25,000/- through Demand Draft issued by the local State of India in favour of the informant's mother, Sanuja Devi, as submitted by the learned counsel for the petitioner above.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Belhar (Kheshar) P.S. Case No. 110 of 2022 subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;



(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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