

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60431 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- BAGENGOLA District- Buxar

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1. SHRI BHAGWAN PANDEY @ MUNNA PANDEY Son of Sri Thakur Pandey
 2. PAWAN PANDEY Son of Sri Rambali Pandey
Both Residents of Village - Pokharaha, P.S.- Bagengola, Dist. - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, A.P.P.
For the Informant	:	None.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-08-2022 No one appears on behalf of the informant.

Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 1, namely, Shri Bhagwan Pandey @ Munna Pandey as he has been arrested during the pendency of the anticipatory bail application.

Permission is accorded.

Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 147, 148,



149, 341, 323, 504, 307, 354 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that petitioner no. 2 fired causing injury on the leg of the father of the informant.

Learned counsel for the petitioner no. 2 submits that the FIR does not even remotely suggest the motive behind the occurrence and a counter case has been instituted from the side of the petitioner no. 2 being Complaint Case No. 526(C) of 2021 in the Court of learned Chief Judicial Magistrate, Buxar in which it has been alleged that the land in question belongs to the persons from the side of the petitioner no. 2 and the informant and his side disputed the same on account of which the occurrence took place. Learned counsel, thus, submits that since the informant of the present case has not assigned any motive for the occurrence in the FIR that in itself demonstrates that what has been alleged by the side of the petitioner no. 2 in the complaint appears to be a probable story. Learned counsel next submits that even presuming what has been alleged is true without admitting then also the injury suffered by the injured by petitioner no. 2 is simple in nature and the Doctors opined that the injury is simple in nature by dangerous weapon most likely firearm injury. Learned counsel, thus, submits that even the



Doctor has not opined with certainty that the injury was caused by firearm as it has been recorded most likely firearm injury. Learned counsel next submits that petitioner no. 2 has antecedent of one case but the same is under Sections 323 and 379 and other minor sections of the Indian Penal Code. It is further submitted that in the nature of allegation and the injury caused, it can be safely argued that on the spur of the moment, the occurrence took place on account of land dispute in which petitioner no. 2 without any intention to kill might have fired causing injury on non-vital part of the body of the injured. It is next submitted that since the injury report does not conclusively record that the injury was caused by firearm itself that creates a suspicion as to whether the injury was caused by firearm or not.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 2.

Considering the submissions made by the learned counsel for the petitioner no. 2, the petitioner no. 2 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
Bagengola P.S. Case No. 79 of 2021, subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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