

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65947 of 2021

Arising Out of PS. Case No.-247 Year-2021 Thana- MANJHI District- Saran

Janardan Pandey @ Janardhan Pandey S/o Late Rajeshwar Pandey R/o
Village- Cheful, P.S.- Manjhi, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sri Niwas Jha, Adv.
For the informant	:	Mr. Mukesh Kant, Adv.
	:	Mr. Rajat Kumar Tiwary, Adv.
	:	Mrs. Deepika Sharma, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 12-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Manjhi P.S. Case No. 247 of 2021, lodged under Sections
302/34 of the Indian Penal Code.

As per prosecution case, the informant has narrated
that for a piece of land 5 named accused persons have attacked
on the father of informant. A general and omnibus allegation is
against 5 named accused persons including the present
petitioner that they assaulted by *lathi* on the head of deceased,
during treatment he died.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that the informant and petitioner side are adjacent neighbourers and the dispute took place for a piece of land. Learned counsel for the petitioner further submits that there is no intention of causing death which itself mentioned in the F.I.R. Learned counsel for the petitioner further submits that petitioner is aged about 53 years and he is in custody since 23.07.2021 having clean antecedent. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. Learned counsel for the petitioner further submits that in the case diary, there are certain witnesses who have mentioned that the deceased fell down due to high blood pressure and there was no scuffling take place.

Learned counsel for the State opposes the prayer for bail and submits that there is injury which comes in the case diary and also the post-mortem report, which supports the assault by *lathi* on the head of deceased and cause of death has also opined by the Doctor that injury is on the head.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is true that certain witnesses have stated so, that deceased died due to high blood pressure, but it is also true that there are series of witnesses who

have stated that *lathi* blow was made on the head of deceased. He has raised one more point that for the said land dispute, proceeding under Section 144 has taken place and the order of Section 144 proceeding was come in favour of deceased and in this circumstance the petitioner may not ought to come on the said land.

On specific query that whether charge has been framed or not, learned counsel for the petitioner submits that charge has not been framed in this case till date.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present and, therefore, the bail application is hereby **rejected**.

Liberty is hereby granted to the petitioner to move for bail before the trial after framing of charge. The trial court is directed to release the petitioner after framing of charge on its own conditions so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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