

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56394 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- SAHAJITPUR District- Saran

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Pawan Pandey @ Pawan Kumar Pandey S/o Sri Surendra Pandey Resident of
Najiba, P.S.- Sahajeetpur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Kumar Singh

For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-12-2022 This case is listed for out of turn hearing under the

heading "To be Mentioned" on account of the fact that the

petitioner is suffering from cancer.

Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Sahajeetpur P. S. Case No. 109 of 2022, registered for the

offences punishable under Sections 341, 324, 307, 354,

379, 504, 506 and 34 of the Indian Penal Code.

The prosecution story as emerges from the FIR is

that the petitioner assaulted the informant on her head by

giving *farsa* blow, when she asked the reason for removal of



earth from her field.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the injury report does not support the allegation of the informant against the petitioner, for as per the injury report, injury on the head is caused by hard and blunt substance. As such, allegation of causing injury by *farsa* is not supported by the injury report. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

The petitioner has been languishing in jail since 24.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Judicial Magistrate 1st Class, Saran at Chapra, in connection with Sahajeetpur P. S. Case No. 109 of 2022, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the



Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the Ld. court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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