

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1635 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- PANCHRUKHI District- Siwan

1. PRAKASH PANDEY @ PRAKASH KUMAR PANDEY Son of Surendra Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
2. Devanand Pandey Son of Sarwanath Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
3. Rupesh Kumar Pandey @ Rupesh Pandey Son of Surendra Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
4. Ravish Kumar Son of Alakhdev Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
5. Sandip Kumar @ Sandip Pandey Son of Babhikhand Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
6. Vikash Pandey @ Vikash Kumar Pandey Son of Surendra Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
7. Vikash Pandey @ Vikash Kumar Son of Bhabhikhan Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
8. Amrit Kumar @ Amrit Pandey Son of Surendra Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
9. Surendra Nath Pandey @ Surendra Pandey Son of Late Dinanath Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
10. Sagar Pandey Son of Manoj Kumar Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
11. Nitish Pandey @ Nitish Kumar Son of Krishna Awtar Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
12. Krishna Awtar Pandey @ Krishnawtar Pandey Son of Baswan Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan.
13. Anil Kumar Pandey @ Anil Pandey Son of Kamla Pandey Resident of Village- Makhnupur, P.S.- Pachrukhi, District- Siwan. Address mentioned in the Aadhar Card, House No. -29, Road No.-2 Nand Nagar, Bhuiyadih, Near- Hanuman Seth Atta Chakki, P.S.- Sindhgora, District- Jamshedpur (Purvi Singhbum), Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

Learned counsel for the petitioners, at the outset, after some arguments, seeks permission to withdraw the present anticipatory bail application with respect to petitioner nos. 3, 7 and 12.

Permission is accorded.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 447, 323, 324, 325, 307, 354, 427, 452, 379, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 12.04.2021 at about 08.00 P.M., all the accused persons, including the petitioners, entered her house and assaulted her and when her daughter Shalu came to rescue her, she was assaulted by Vikash and Rupesh and when her second daughter, Simran came to save her, she was assaulted by Vikash and Nitish Pandey. It is further alleged that when her husband and brother-in-law came from market, it is alleged that Krishna Awtar Pandey assaulted her husband by means of *dab* causing injury on the head and her brother-in-law was assaulted by



Devanand Pandey, further Dharmendra Sharma also came in rescue of the injured when he was assaulted by Nitish Pandey and Anil Pandey by means of *kudal*.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that on account of dispute relating to election of Mukhiya, the present occurrence took place. The learned counsel for the petitioners next draws the attention of the Court to the impugned order and submits that it has been recorded that injuries caused by petitioner nos. 3, 7 and 12 are grievous in nature and is on vital part of the body while the injuries of rest of the injured are simple in nature. The learned counsel thus submits that it absolutely does not stand to reason that as to how the informant could identify so many accused and specifically allege with such precision that who was carrying which weapon and who assaulted whom.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners 1, 2, 4, 5, 6, 8, 9, 10, 11, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released



on anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) each 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
Pachrukhi P.S. Case No. 97 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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