

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20459 of 2023

Arising Out of PS. Case No.-149 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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1. PARASNATH PANDEY Son of Late Darikshan Pandey Resident of Village - Naveen Gandhi Nagar Dakshin Husaini, P.S.- Dumariyaghat, Dist.- East Champaran.
 2. Rajesh Kumar Pandey @ Rajesh Pandey Son of Parasnath Pandey Resident of Village - Naveen Gandhi Nagar Dakshin Husaini, P.S.- Dumariyaghat, Dist.- East Champaran.
 3. Akhilesh Kumar Pandey @ Akhilesh Pandey Son of Late Darikshan Pandey Resident of Village - Naveen Gandhi Nagar Dakshin Husaini, P.S.- Dumariyaghat, Dist.- East Champaran.
 4. Dinesh Pandey Son of Parasnath Pandey Resident of Village - Naveen Gandhi Nagar Dakshin Husaini, P.S.- Dumariyaghat, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 447, 448, 341, 323, 324, 325, 354(B), 379, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner No. 1 is a senior citizen aged about 70 years and from perusal of the



allegation as alleged in the FIR, it would manifest that the accused persons including the petitioners came variously armed and assaulted the side of the informant and it is alleged that petitioner No. 1 and Premkanti Devi assaulted the informant with lathi, petitioner No.3 assaulted informant wife with sword causing injury on her head, lips and right hand thereafter petitioner No. 2 and 3 assaulted informant's nephew causing fracture of his hand and further he sustained cut injury beside his lip and eye and petitioner No.2, Premkanti Devi and Seema Devi took away ornaments worth Rs. 20 lakhs alongwith cash from the informant's house.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no reasons for occurrence has been alleged, it is further submitted that it absolutely does not stand to reason that in village someone would keep ornaments and cash worth Rs. 20 lakhs, it is also submitted that date of occurrence is 25.07.2021 and the FIR came to be instituted after a delay of 4 days on 29.07.2021, which further cast an aspersion on the credibility of the prosecution case, it is next submitted that even injury suffered by the injured is simple in nature.



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 above-named, 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 trial court where the case is pending/successor court in connection with Dumariyaghat P.S. Case No. 149 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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