

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29734 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- VIJAYEPUR District- Gopalganj

1. NIJAY PANDEY SON OF LALAN PANDEY RESIDENT OF VILLAGE VIJAIPUR PS VIJAIPUR DISTRICT GOPALGANJ
2. Ajay Pandey s/o Lalan Pandey RESIDENT OF VILLAGE VIJAIPUR P.S. VIJAIPUR DISTRICT GOPALGANJ
3. Jay Prakash Pandey s/o Lalan Pandey RESIDENT OF VILLAGE VIJAIPUR P.S. VIJAIPUR DISTRICT GOPALGANJ
4. Vijay Pandey @ Vijayee Pandey s/o Lalan Pandey RESIDENT OF VILLAGE VIJAIPUR P.S. VIJAIPUR DISTRICT GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Pandey No.5
For the Opposite Party/s	:	Mr. Vinod Shanker Modi
For the Informant	:	Mr. Nityanand Mishra
		Mr. Alok Abhinav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-08-2023 Heard learned counsel for the petitioners, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307 and other allied Sections of the Indian Penal Code.

3. The allegation against the petitioners is that the petitioners assaulted the informant by means of several weapons due to which he sustained injuries.

4. It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is a case and counter-case between the parties and in the alleged occurrence both sides have sustained injuries. He submits that when co-villagers gathered at the house of petitioners, the informant tried to escape from there as a result of which he fell down and sustained some injuries due to falling and some from the hands of the mob. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that the informant has sustained three grievous injuries.

6. Vide order dated 13.07.2023, case diary of both the present case as well as the counter-case was called for. I perused the injury report, enclosed in the case diary and from which it is clear that the injuries sustained by the petitioners' side is simple in nature and it is also apparent that the informant namely, Bhagwan Pandey has sustained three grievous injuries. The



three injuries sustained by the informant is attributed towards the petitioner nos.1, 2 and 3.

7. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner nos.1, 2 and 3 on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

8. However, as there is no specific overt act against the petitioner no.4, let the above named petitioner no. 4, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Vijaipur P.S. Case No.201 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

