

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45199 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- SIMULTALLA District- Jamui

1. ANANT PANDEY Son of Late Durga Pandey R/o village - Godaiya, P.S.- Simultalla, District - Jamui.
2. Chandan Yadav Son of Angrej Yadav R/o village - Godaiya, P.S.- Simultalla, District - Jamui.
3. Birendra Yadav Son of Naresh Yadav R/o village - Godaiya, P.S.- Simultalla, District - Jamui.
4. Pintu Pandey Son of Chandrika Pandey R/o village - Godaiya, P.S.- Simultalla, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Adv
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-09-2023 1. Heard learned counsel for the petitioners and the
learned APP for the State.

2. Insofar as Petitioner No. 4, Pintu Pandey, is
concerned, it is submitted that upon his arrest, subsequent to
filing of the instant anticipatory bail, his prayer has become
infructuous.

3. The application is accordingly dismissed with
respect to petitioner no. 4.

4. The petitioners (petitioner nos. 1, 2 and 3) are
apprehending their arrest in connection with Simultalla P.S.



Case No. 14 of 2023 registered for the offence punishable under Section 341, 323, 324, 307, 426, 447, 504, 506/34 of the Indian Penal Code.

5. There is allegation in the FIR that the accused persons came to her house searching for her son. They were infuriated and armed with rod and stick etc. They have taken away her husband, who has been mercilessly assaulted.

6. The learned counsel for the petitioners submits that one day prior to lodging of the FIR, wherein the petitioners are accused, the petitioner no. 1 has lodged a case, Simultalla P.S. Case No. 13 of 2023, wherein the prosecution parties have been made accused. In fact, the husband of the present informant had tried to outrage the modesty of the daughter of petitioner No. 1 and committed some obscene acts which was objected by the petitioners. Other villagers, including petitioner Nos. 2 and 3 had come to the rescue and all were assaulted. In support of the FIR, injury report of the petitioners had also been annexed, copies of which are Annexure-4 to the instant bail application. From the same, it is apparent that petitioners have all sustained injuries, including grievous injuries. It is in this process, when the present prosecution parties were aggressors, that they may have sustained injuries and taking advantage of this fact, they



have lodged the present case one day later. The petitioners have no antecedents.

7. Learned APP and learned counsel for the informant have opposed the prayer for anticipatory bail. It is submitted that the informant's husband was dragged and beaten by the petitioners.

8. Considering the rival submissions, the sequence of the two FIRs, injury report sustaining the injuries said to have been received by the petitioners and the earlier FIR lodged by the petitioner no. 1 as well as clean antecedent, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail of the petitioners is allowed.

9. Accordingly, let the petitioner nos. 1, Anant Pandey, 2, Chandan Yadav, and 3, Birendra Yadav, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Jamui in connection with Simultalla P.S. Case No. 14 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the



following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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