

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41378 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- SIKRAUL District- Buxar

1. Shanker Jee Pandey @ Tengri Pandey Son Of Hardev Pandey Resident Of Village- Basmanpur, PS- Sikraul, District- Buxar
2. Shiv Jee Pandey Son Of Hardev Pandey Resident Of Village- Basmanpur, PS- Sikraul, District- Buxar
3. Bikash Pandey Son Of Shanker Jee Pandey @ Tengri Pandey Resident Of Village- Basmanpur, PS- Sikraul, District- Buxar
4. Rahul Pandey Son Of Shiv Jee Pandey Resident Of Village- Basmanpur, PS- Sikraul, District- Buxar
5. Ishwar Dayal Pandey Son Of Late Chandra Pandey Resident Of Village- Basmanpur, PS- Sikraul, District- Buxar
6. Jitendra Pandey Son Of Ishwar Dayal Pandey Resident Of Village- Basmanpur, PS- Sikraul, District- Buxar
7. Guddu Pandey Son Of Ishwar Dayal Pandey Resident Of Village- Basmanpur, PS- Sikraul, District- Buxar
8. Mahendra Pandey Son Of Late Chandra Pandey Resident Of Village- Basmanpur, PS- Sikraul, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Arvind Kumar Pradhan, Adv.
For the Opposite Party/s :	Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147/ 148/ 149/ 341/ 323/ 504/ 379/ 307 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been

lodged against 10 named accused persons. The allegation against them that they all gathered at the house of the informant and started abusing. Upon request not to abuse, the allegation against Shanker Jee Pandey (petitioner no. 1) to assault by iron rod on the head of the informant and the allegation against Shiv Jee Pandey (petitioner no. 2) that he has assaulted by *lathi* on the head of the informant's uncle and the allegation against Bikash Pandey (petitioner no. 3) to snatch the *mahaviri* golden locket.

4. Learned counsel for the petitioners submits that there are eight petitioners present before this Hon'ble Court. Counsel submits that from the contents of the F.I.R., it transpires that the dispute between the parties are for land.

5. Learned counsel for the petitioners further submits that for the same occurrence, Shanker Jee Pandey (petitioner no. 1) has filed the Complaint Case No. 456(C) of 2023 dated 09.05.2023 before the C.J.M., Buxar as alleged that the petitioner when reached to the police station, police has refused to lodge the F.I.R. which is Annexure-3.

6. Learned counsel for the petitioners also submits that the injury report of Rajeshwar Pandey and Sudeshwar Pandey are simple in nature but injury report of Jitendra Kumar Pandey (informant) is grievous in nature. Counsel submits that

the antecedents of the petitioners are clean.

7. Learned A.P.P. for the State opposes the prayer for bail and submits that there is a specific allegation against Shanker Jee Pandey (petitioner no. 1) and injury report indicates that the said injury is grievous in nature.

8. Learned counsel for the informant vehemently opposes the prayer for bail and submits that against one accused Shanker Jee Pandey (petitioner no. 1), there is a direct allegation by which grievous injury has caused.

9. In the present facts and circumstances of the case and the submissions made above, let the above named petitioners except petitioner no. 1 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar, in connection with Sikraul P.S. Case No. 40 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. So far as petitioner no. 1, namely, Shanker Jee Pandey is concerned, this Court is not inclined to grant anticipatory bail to him.

11. Accordingly, the prayer for anticipatory bail of
petitioner no. 1 is hereby rejected.

(Dr. Anshuman, J.)

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