

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48228 of 2022

Arising Out of PS. Case No.-166 Year-2021 Thana- HARLAKHI District- Madhubani

1. Govind Pandey Son Of Sri Lalan Pandey.
2. Ranjan Pandey Son Of Sri Sajjan Pandey.
3. Sajjan Pandey @ Sanjan Pandey Son Of Sri Satya Narayan Pandey.
4. Lalan Pandey Son Of Sri Satya Narayan Pandey.
5. Madan Pandey Son Of Sri Satya Narayan Pandey.
6. Raja Pandey Son Of Sri Sajjan Pandey @ Sanjan Pandey.
All R/O Village- Karuna, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard Mr. Ajay Kumar Thakur, learned senior
counsel for the petitioners and the learned APP for the State
through virtual mode in view of COVID-19.

The petitioners apprehend their arrest in connection
with Harlakhi P.S. Case No.166 of 2021 instituted under
Sections 341,323,307, 354(A), 379, 448/34 of the Indian Penal
Code.

As per the prosecution story, the informant has
alleged that his agnates, the accused persons, armed variously
came and pressurize him to get the land registered and upon his
refusal, it is alleged that the family members of the informant



were brutally assaulted and specific allegation has been made against petitioner no.3, 4 and 6 of assaulting on the head. So far as the other petitioners (petitioner nos.1,2 and 5) are concerned, omnibus allegation is there that they too participated in the said assault.

Learned Senior Counsel for the petitioners submit that there is case and counter case on both the sides and the petitioner's side has in fact suffered grievous injury and in that backdrop, they deserve bail.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that there is specific allegation against petitioner no.3, 4 and 6 of assaulting the family members of the informant. He however concedes that so far as the other three petitioners are concerned, there is omnibus allegation against them.

Taking into account the aforesaid fact as narrated, this Court is not inclined to grant anticipatory bail to the petitioner no.3 (Sajjan Pandey @ Sanjan Pandey), petitioner no.4 (Lalan Pandey) and petitioner no.6 (Raja Pandey) and their prayer accordingly stands rejected.

So far as the petitioner no.1 (Govind Pandey), petitioner no.2 (Ranjan Pandey) and petitioner no.5 (Madan



Pandey) are concerned, in view of the fact that only omnibus allegations are there against them, this Court is inclined to grant them relief.

Let the petitioner nos.1,2 and 5 be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Harlakhi P.S. Case No.166 of 2021 to the satisfaction of learned Judicial Magistrate, Benipatti, Madhubani, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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