

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53111 of 2023

Arising Out of PS. Case No.-274 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. NISHIKANT PANDEY Son of Premchandra Pandey Resident of Village-Dewarji Kala, Ward No. 7, P.S.-Bhabhua, District-Kaimur.
2. AVINASH KUMAR @ OVINASH KUMAR @ AVINASH SINGH @ DIPTESH SINGH Son of Sanjay Singh Resident of Village-Belwatiya Pokhara, Bhabhua, P.S.-Bhabhua, District-Kaimur.
3. RAHUL TIWARI Son of Devendra Tiwari Resident of Bhabhua V.I.P. Colony Gali No. 2, P.S.-Bhabhua, District-Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 09-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 385, 307, 379, 504, 34 of the Indian Penal Code.

3. The prosecution, in brief, is that, when the informant along with his staff was in his grocery shop, all of a sudden, all the accused person, armed with deadly weapons, came there and demanded money. On objection, co-accused Gopal Pandey and petitioner no.2 gave iron rod blow on his head. When his staff came for rescue, Rohit Tiwary and petitioner no.1 assaulted him



with iron rod on his head. Meanwhile, co-accused Pankaj Kumar gave sword blow upon the informant causing cut injury on finger of his right hand.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is specific overt act against co-accused Pankaj Kumar that he assaulted the informant due to which he sustained grievous injury in his finger. There is previous enmity between the parties. There is case and counter case between them. The injuries caused by the petitioners to the informant's side were found simple in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State opposed the prayer for bail.

7. Having regard to the facts and circumstances of the case, as the injury caused by the petitioners to the informant's side was found simple in nature, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the
like amount each to the satisfaction of the learned lower Court
where the case is pending/successor Court in connection with
Bhabhua P.S. Case No. 274 of 2023, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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