

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60018 of 2023

Arising Out of PS. Case No.-2 Year-2021 Thana- ARWAL District- Jehanabad

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Amod Pandit, S/O Dwarik Pandit @ Dwarika Pandit, R/O Village- Balu
Bigha Post- Hasanpur, P.S. Arwal, Dist. Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anupa Nand Jha, Advocate

For the Opposite Party : Mr. Shyameshwar Dayal, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-11-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Arwal P.S. Case No. 02 of 2021 dated

02.01.2021 registered for the offence punishable under Sections

147, 148, 149, 341, 323, 307, 504, 506 and 302 of the I.P.C.

4. As per the prosecution case, on 01.01.2021 at about

6. P.M., the co-accused Pawan Kumar under the influence of

intoxication, abused the niece of the informant. When the

brother of the informant approached the accused persons



including the petitioner who were variously armed with lathi, danda and rod for questioning about the matter, they attacked upon him. The accused Sanjit Kumar assaulted the brother of the informant with rod causing head injury. The co-accused Gautam Kumar and Pawan Kumar also assaulted his brother on his head. When the informant and his nephew went to save him then all the accused persons also assaulted them. On arrival of the nearby people, the accused persons fled away. The injured persons were taken to the hospital for treatment but the brother of the informant succumbed to his injury.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the specific allegation of assault upon the deceased is alleged against Sanjit Kumar, Gautam Kumar and Pawan Kumar and not against the petitioner. Similarly situated co-accused persons have been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 29428 of 2023 under order dated 13.07.2023 annexed as Annexure-3 to the bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer



for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Arwal at Jehanabad in connection with Arwal P.S. Case No. 02 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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