

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62914 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- ISHIPUR District- Bhagalpur

1. Ambica Pandey @ Ambika Nath Pandey Son of Late Deenanath Pandey
R/O Village- Gouripur, P.S- Ishipur Barahat, District- Bhagalpur
2. Birbal Pandey S/O Late Nageshwar Pandey @ Late Deena Nath Pandey R/O
Village- Gouripur, P.S- Ishipur Barahat, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-02-2023 This case is listed for hearing out of turn on

account of mentioning that wife of the petitioner no. 1 is

suffering from breast cancer and she needs better treatment.

Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Ishipur

(Barahat) P.S. Case No. 56 of 2022, registered for the

offences punishable under Sections 341, 323, 448, 504,

506, 379, 354(B), 307 and 34 of the Indian Penal Code.

The prosecution case as emerging from the FIR is

that on 11.06.2022 at about 06:40 P.M., the petitioners and



their associates armed with *lathi*, *danda* and rod came to her house and assaulted her, due to which she sustained head injury. They also assaulted the informant's sister Usha Kumari with iron rod.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is only one grievous injury on the nose of the alleged victim. However, the allegation of causing injury to the victim is not against this petitioner and the injuries of other victim are simple in nature. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

They further submit that the petitioners have been languishing in jail since 12.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in one other cases, respectively.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-XIII, Bhagalpur in connection with Ishipur (Barahat) P.S. Case No. 56 of 2022, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

Ld. counsel for the petitioners is directed to



remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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