

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71636 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- MANIHARI District- Katihar

1. Bimal Pandey @ Bimal Kumar Pandey S/O Gopal Chandra Pandey R/O Village-Dilarpur, P.S.-Manihari, District-Katihar.
2. Shivdutt Pandey S/O Kundan Kumar Pandey R/O Village-Dilarpur, P.S.-Manihari, District-Katihar.
3. Anand Pandey @ Anand Kumar Pandey S/O Divakar Pandey R/O Village-Dilarpur, P.S.-Manihari, District-Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-11-2023 Heard Mr. Vinay Ranjan, learned counsel appearing on behalf of the petitioners and Mr. Tapeswar Sharma, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Manihari P.S. Case No. 109 of 2023 registered for the offence punishable under Sections 307, 323, 341, 379, 504, 506 and 354/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the husband of the informant was assaulted by the accused persons, who had tried to vacate the land and threatened to kill him. Allegation of outraging the modesty of the informant has also been made



against the accused persons.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case. FIR is an after thought and the main cause of incidence relates to disputed land belonging to the *Thakurbari* donated by the petitioners. The informant side had tried to grab the said land, which was stopped by the petitioners side and in course of the same incidence both the parties had assaulted each other. Petitioners in their self defence may have caused injury on the body of the informant side. There is case and counter case between the parties. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, main cause of incidence relates to disputed land belonging to the *Thakurbari* donated by the petitioners. The informant side had tried to grab the said land, which was stopped by the petitioners side and in course of the same incidence both the parties had assaulted each other. Petitioners in their self defence may have caused injury on the body of the informant side. There



is case and counter case between the parties. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar, in connection with Manihari P.S. Case No. 109 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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