

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71169 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- ATHMALGOLA District- Patna

Kamod Pandey Son of Genauri Pandey Resident of Village- Suryapura, P.S. -
Athmalgola, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Athmalgola P.S. Case No. 124 of 2023, registered on 18.05.2023 for the alleged offences under Sections 341, 323, 447, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused came to the house of the informant and both of them assaulted her with iron rod on her head. When the husband of the informant tried to save her, he was also assaulted with iron rod below his left eye. The petitioner snatched gold earring from the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner and the informant are agnates and there is land dispute between them. Learned counsel further submits that there is no specific allegation against the petitioner and the allegation is omnibus against the petitioner and other co-accused person. From bare reading of the FIR it is clear that there is no application of Section 307 IPC and allegation under Section 379 IPC is only super addition. In its rejection order the learned Additional District & Sessions Judge has not discussed the nature of injury or the weapon used to cause such injury. The petitioner is having antecedent of one case in which he is on bail. The petitioner is in custody since 17.07.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the general nature of allegation against the petitioner and absence of any attempt on the life of the informant and her husband and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with



two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barh, District - Patna/concerned court in connection with Athmalgola P.S. Case No. 124 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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