

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3077 of 2023

Arising Out of PS. Case No.-250 Year-2022 Thana- KHAIRA District- Jamui

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1. Shyam Sunder Pandit Son Of Late Ram Naresh Pandit R/O Village- Khaira, P.S.- Khaira, District- Jamui
 2. Shiv Pandit @ Shiv Kumar Son Of Gopal Pandit R/O Village- Khaira, P.S.- Khaira, District- Jamui
 3. Munna Pandit Son Of Late Ram Chandra Pandit R/O Village- Khaira, P.S.- Khaira, District- Jamui
 4. Manju Devi Wife Of Shyam Sunder Pandit R/O Village- Khaira, P.S.- Khaira, District- Jamui
 5. Bishundeo Pandit Son Of Late Faudi Pandit R/O Village- Khaira, P.S.- Khaira, District- Jamui
 6. Bharat Pandit Son Of Shyam Sunder Pandit R/O Village- Khaira, P.S.- Khaira, District- Jamui

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 15-05-2023

Learned counsel for the petitioners is permitted to make corrections in paragraphs '9' and '12' of the application.

Learned counsel submits that petitioner no. 1 has already been arrested, therefore, this application on his behalf has become infructuous.

As prayed, the application on behalf of petitioner no. 1 is dismissed as having become infructuous.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioner nos. 2 to 6 in the present case are seeking pre-arrest bail in connection with Khaira P.S. Case No. 250 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code. Petitioner



nos. 2 to 6 have got no criminal antecedents.

As per the written application of the informant Kamleshwar Pandit, the prosecution case in short is that on 15.06.2022 at about 05:30 P.M., all the FIR named accused persons including these petitioners variously armed with lathi, danda, Axe and sword surrounded the informant. Thereafter, Bishun Pandit and Amit Pandit ordered to kill the informant on which all the accused persons started assaulting the informant. It is alleged that Shyam Sunder Pandit (petitioner no. 1) assaulted the informant on his head by tangi as a result of which he fell down. On hulla when wife and grandson of the informati came to rescue, the accused person assaulted them with lathi and danda. It is further alleged that Bishundeo pandit gave rod blow on the head of Sitaram Pandit (son of the informant) and in order to stop sword blow given by Bharat Pandit, he received injury in his hand. The accused persons also assaulted the wife, and grand son of the informant by means of lathi and danda.

Learned counsel for the petitioner nos. 2 to 6 submit that the petitioner nos. 2 to 6 are innocent and have falsely been implicated in this case. It is submitted that the said occurrence took place over a land dispute. It is also submitted that there is case and counter case.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner nos. 2 to 6 .

Having regard to the facts and circumstances of the case wherein it is noticed that both the parties are full brothers and the alleged occurrence took place over a land dispute in which both



the sides have lodged FIR against each other, the specific allegation of assault on the head was against petitioner no. 1 who has already been arrested, so far as other accused petitioner nos. 2 to 6 are concerned, this Court directs release of petitioner nos. 2 to 6 above named on bail in the event of their arrest or surrender within a period of four weeks from today in connection with Khaira P.S. Case No. 250 of 2022 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 learned Chief Judicial Magistrate, Jamui, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 2 to 6 and in case at any stage it is found that the petitioner nos. 2 to 6 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 2 to 6. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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