

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14464 of 2024

Arising Out of PS. Case No.-121 Year-2022 Thana- ISUAPUR District- Saran

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Bittu Pandey @ Bittu Kumar Pandey, S/O Jitendra Pandey, Village- Nipaniya,
P.O. Salempur, Ps. Ishuapur, Dist. Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pandey, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Ishuapur P.S. Case No. 121 of 2022, registered for the offences under Sections 143, 341, 324, 325, 307, 323, 379 and 504 of the Indian Penal Code.

3. As per prosecution case, petitioner and co-accused Ashutosh Kumar abused and assaulted the informant and the co-accused gave knife blow to the informant. When the family members of the informant came for his rescue, they were also assaulted by the petitioner and other co-accused with rod and knife. Occurrence took place in the background of some land dispute.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. There is case and counter case between the parties and the petitioner has lodged Ishuapur P.S. Case No. 129 of 2022 against the informant of this case and others. Petitioner himself received injuries and was treated in a hospital where the statement was recorded by the police on 13.06.2022. Learned counsel further submits that specific allegation of assault by knife is against co-accused and only allegation against the petitioner is that he hit the informant on his shoulder with iron rod but the injury report shows only pain and swelling in right shoulder region and the said injury is stated to be grievous. From the facts of the case, it is apparent that there is no application of Section 307 of IPC as there was no intention to cause death of any person. Injury sustained by the others could have been caused by fall on the road. Police submitted final form in this case in favour of co-accused Ashutosh Kumar. Petitioner is having criminal antecedent of one case.

5. Learned APP opposes the prayer for anticipatory bail submitting that there is specific allegation against the petitioner is that he gave a blow of iron rod on the shoulder of the informant and injury is stated to be grievous.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the fact that there is no specific allegation of stabbing against the petitioner and further considering the background of land dispute coupled with possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Chapra, Saran/court concerned in connection with Ishuapur P.S. Case No. 121 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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