

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12557 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. Vandna Pandey D/O Upendra Pandey R/O Village And P.S- Bhagwanpur, Distt.- Kaimur At Bhabhua.
 2. Mintu Pandey @ Minu Pandey D/O Upendra Pandey R/O Village And P.S- Bhagwanpur, Distt.- Kaimur At Bhabhua.
 3. Madhu Pandey D/O Upendra Pandey R/O Village And P.S- Bhagwanpur, Distt.- Kaimur At Bhabhua.
 4. Sandhya Pandey D/O Upendra Pandey R/O Village And P.S- Bhagwanpur, Distt.- Kaimur At Bhabhua.
 5. Sarita Devi @ Sarita Pandey W/O Upendra Pandey R/O Village And P.S- Bhagwanpur, Distt.- Kaimur At Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Mirityunjay Kumar, learned counsel for

the petitioners and Mr. Mithlesh Kumar Khare, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Bhagwanpur P.S. Case No. 266 of 2023, F.I.R.
dated 08.09.2023 for the offences punishable under Sections
323, 341, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal
Code.

3. According to prosecution case, all the accused
persons are said to have assaulted the informant.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that due to perty dispute the present occurrence has taken place between the parties and there is case and counter case between the parties. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act rather there is general and omnibus allegation against all the accused persons but there is specific allegation against the petitioner nos.2 & 3 that they have pressed the neck of the informant. He further submits that the injury report of the injured person suggests that the injury is simple in nature.

5. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection



with Bhagwanpur P.S. Case No. 266 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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.

(Rajesh Kumar Verma, J)

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