

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20281 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- BARAULI District- Gopalganj

Shyam Kumar Pandey @ Hareram Pandey S/o Late Ram Ekbal Pandey R/o
Vill - Sarfara, P.S. - Barauli, Dist. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Informant	:	Mr.Raghav Prasad, Advocate
For the Opposite Party/s	:	Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-04-2024 Heard Mr. Sanjay Kumar, learned counsel appearing on behalf of the petitioner; Mr. Raghav Prasad, learned counsel for the informant and Ms. Nirmala Kumari, learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with Barauli P.S.Case No.274 of 2023, registered for the offences punishable under Sections 341, 323, 324 336, 337, 379/34 of the Indian Penal Code (Later on in the supervision note, Section 379 of the IPC was exonerated and Section 307 of the IPC was added).

3. As per the allegation made in the FIR, the petitioner along with other accused persons had assaulted the informant and her other family members. Specific allegation of assault is



against co-accused Hare Ram Pandey on the chest and the hand of the husband of the informant by knife and on the head of the son of the informant by iron rod.

4. Learned counsel appearing on behalf of the petitioner submitted that there was land dispute between the parties due to which both the parties engaged in fierce fight. There is case and counter case between the parties, in which petitioner has sustained injury. Petitioner has no criminal antecedent.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR, specific allegation is against co-accused Hare Ram Pandey of having assaulted on the chest and hand of the husband by knife and on the head of the son of the informant by iron rod, both the parties engaged in fierce fight due to land dispute and in the same course of incident, in the self-defence, the petitioner side may have caused injury to the informant side, in which the petitioner has also sustained injury, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four



weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj/concerned court, in connection with Barauli P.S.Case No.274 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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