

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17562 of 2024

Arising Out of PS. Case No.-652 Year-2023 Thana- BARACHATTI District- Gaya

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Pankaj Kumar S/O Lalan Yadav R/O Village- Mahuliya, P.S- Mohanpur,
Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing for the State.

2. In this present case, the petitioner is apprehending his arrest in connection with Barachatti (Mohanpur) P.S. Case No. 652 of 2023, registered on 11.07.2023 for the offences under Sections 147, 149, 341, 323, 379, 307, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons started assaulting the husband of the informant and when the informant intervened she was also assaulted making her unconscious. Other family members of the informant were also assaulted causing injuries to them as well.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been

falsely implicated in the instant case. This case is counterblast of Barachatti (Mohanpur) P.S. Case No. 653 of 2023 lodged for the offences under Sections 147, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code. The husband of the informant and others attacked the house of the petitioner making an unlawful assembly and armed with deadly weapons and brutally assaulted the father of the petitioner and other family members who received multiple grievous injuries. There is no explanation for the injuries of the petitioner side. There is general and omnibus allegation against petitioner and two other co-accused persons. However, it is apparent from the F.I.R. that neither the informant nor her husband or her in-laws received any injuries at the hands of the petitioner in this case. Moreover injuries are merely pain, swelling and ache and all injuries are quite simple and superficial. Learned counsel further submits that there is land dispute between the parties who are agnates and the scuffle took place between two groups and the cases came to be lodged by both sides. The petitioner has no criminal history.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering

totally superficial nature of injuries and without any specific allegation against the petitioner, let the petitioner, 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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-2nd, Sherghati, Gaya/concerned court in connection with Barachatti (Mohanpur) P.S. Case No. 652 of 2023, 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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