

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22189 of 2024

Arising Out of PS. Case No.-462 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

1. HEMA PANDEY @ HEMA KUMARI PANDEY D/o Sushil Pandey @ Sunil Pandey Resident of Village-Agarsanda, P.S.-Ara Muffasil (Dhobha O.P.), District-Bhojpur Ara
2. KARINA PANDEY D/o Sushil Pandey @ Sunil Pandey Resident of Village-Agarsanda, P.S.-Ara Muffasil (Dhobha O.P.), District-Bhojpur Ara
3. SAVITA PANDEY @ SOVITA KUMARI PANDEY D/o Sushil Pandey @ Sunil Pandey Resident of Village-Agarsanda, P.S.-Ara Muffasil (Dhobha O.P.), District-Bhojpur Ara
4. MANISHA PANDEY @ MANISHA KUMARI PANDEY D/o Sushil Pandey @ Sunil Pandey Resident of Village-Agarsanda, P.S.-Ara Muffasil (Dhobha O.P.), District-Bhojpur Ara
5. PUSHPA PANDEY @ PUSHPA DEVI PANDEY W/o Sushil Pandey @ Sunil Pandey Resident of Village-Agarsanda, P.S.-Ara Muffasil (Dhobha O.P.), District-Bhojpur Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22220 of 2024

Arising Out of PS. Case No.-462 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

AKASH PANDEY S/o Sushil Pandey @ Sunil Pandey Resident of Village-Agarsanda, P.S.-Ara Muffasil (Dhobha O.P.), District-Bhojpur Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22189 of 2024)

For the Petitioner/s : Mr. Bimal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 22220 of 2024)

For the Petitioner/s : Mr. Bimal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER



3 19-07-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Ara Muffasil P.S. Case No. 462 of 2023 for the offence under Sections 147, 149, 341, 323, 307, 332, 333, 336, 353, 354, 504, 506 and 120(B) of the I.P.C. lodged on 29.10.2023 by the informant, Pooja Kumari.

3. As per the prosecution story, the In-charge S.H.O., Pooja Kumari alleged that upon information on 29.10.2023 that a dispute has arisen between Sunil Pandey and Jitendra Pandey due to land issue, the police officials rushed to the place to pacify the quarrel. However, at the instance of one Hema Pandey, the accused persons started throwing bricks as also the police officials were beaten.

4. In the process, the maximum injury was suffered by the informant, Pooja Kumari followed by two Sepoys namely Pinki Kumari (Sepoy 921) and Viveka Kumar Singh (Sepoy 344). The accused also tried to snatch the rifle of Viveka Kumar Singh. Accordingly, the F.I.R.

5. Subsequently, with the help of chowkidar and spy, the accused persons were identified and accordingly, they were made accused. This prompted them to file anticipatory bail first before the learned Sessions Judge and now before



this Court.

6. Learned Counsel for the petitioners submit that allegation against Hema Pandey is of exhorting the accused persons while there is omnibus allegation against Akash Pandey. It is his further submission that some of the similar placed accused persons have since been extended the relief vide Cr. Misc. No. 20216 of 2024 (Angad Kumar Pandey & Ors. vs The State of Bihar).

7. The last submission is that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the informant side has alleged injuries, the petitioners on their own would like to contribute towards their medical assistance of Rs. 5,000/- each (totalling Rs. 30,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court and to be handed over to the informant after checking the credentials.

8. Learned APP opposes the prayer submitting that so far as the Hema Pandey is concerned, allegation is that she exhorted the family members which led to the assault.

9. Though there is allegation the fact remains that the same is omnibus in nature, it is true that allegation against



Hema Pandey is of exhorting his family members and further it is deprecable that the police who tried to paccify the matter in the land dispute between the parties, they were assaulted by the accused persons, the fact remains that the F.I.R. has been lodged, they will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5,000/- each (totalling Rs. 30,000/-) as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

10. Out of Rs. 30,000/- that the petitioners intend to pay, Rs. 10,000/- shall be handed over to the Sub-Inspector of Police, Pooja Kumari (who is informant and In-charge S.H.O.) who sustained maximum injuries, Rs. 7,500/- each to Pinki Kumari (Sepoy 921) and Viveka Kumar Singh (Sepoy 344). The rest 5,000/- will go to the Ara (Muffasil) Police Station for the purchase of the stationary items as most of the time, the Police Station remains bereft of such materials. It is made clear that the amount of Rs. 5,000/- shall be used only for the purpose of purchase of stationary and receipts thereof should be maintained in the Office.

11. The amount shall be released to the concerned



Police Officers/ Sepoys after checking their respective Identity card /Aadhaar card/Voter ID card etc.

12. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-VII, Bhojpur, Ara in connection with Ara Muffasil P.S. Case No. 462 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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