

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20216 of 2024

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

1. AANGAD KUMAR PANDEY @ AANGAD PANDEY @ ANGAD KUMAR PANDEY S/O JAGDEESH PANDEY @ BALIRAM PANDEY R/O VILLAGE- AGARSANDA, P.S- ARA MUFFASIL (DHOBHA O.P) DISTT.- BHOJPUR ARA.
2. OMKAR PANDEY S/O JAGDEESH PANDEY @ BALIRAM PANDEY R/O VILLAGE- AGARSANDA, P.S- ARA MUFFASIL (DHOBHA O.P) DISTT.- BHOJPUR ARA.
3. SRIRAM PANDEY @ SRIRAM KUMAR PANDEY @ SRIRAM KUMAR S/O JAGDEESH PANDEY @ BALIRAM PANDEY R/O VILLAGE- AGARSANDA, P.S- ARA MUFFASIL (DHOBHA O.P) DISTT.- BHOJPUR ARA.
4. AJIT KUMAR PANDEY @ AJIT PANDEY S/O JAGDEESH PANDEY @ BALIRAM PANDEY R/O VILLAGE- AGARSANDA, P.S- ARA MUFFASIL (DHOBHA O.P) DISTT.- BHOJPUR ARA.
5. KANCHAN KUMARI @ KANCHAN PANDEY D/O BALIRAM PANDEY R/O VILLAGE- AGARSANDA, P.S- ARA MUFFASIL (DHOBHA O.P) DISTT.- BHOJPUR ARA.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

2 02-04-2024 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.

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 three of them are preparing for the competitive examination, specially for the police constable exam and as such, they cannot even think of assaulting the police. Further, the other two of them are elder family members. 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. 25,000/-) 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.

7. Learned APP opposes the prayer stating that despite preparing themselves for the police constable examination, they assaulted the police officials in which the In-charge/SHO as also two police constables were injured.

8. Though, it is deprecable that the police officials who came to diffuse the situation and wanted law and order to be maintained were assaulted as also there is allegation of snatching of rifle against them, taking into account the fact that the FIR lodged, the accused will be facing the trial and three of them are young students while one of them is a lady, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5,000/- each (totalling Rs. 25,000/-) 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.

9. Out of Rs. 25,000/- that the petitioners intend to pay, Rs. 10,000/- shall be handed to the Sub-Inspector of



Police, Pooja Kumari (who is informant and In-charge S.H.O.) who sustained maximum injuries, Rs. 5,000 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.

10. The amount shall be released to the concerned Police Officers/ Sepoys after checking their respective Identity card /Aadhaar card/Voter ID card etc.

11. 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 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 (except petitioner No. 05, namely, Kanchan Kumari @ Kanchan Pandey) shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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.

12. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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