

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31116 of 2024

Arising Out of PS. Case No.-430 Year-2023 Thana- CHAKIA District- East Champaran

1. Santosh Pandit Son Of Suraj Pandit Village- Ganga Sirsiya, P.S.- Chakia, Dist- East Champaran, Motihari
2. Savita Devi Wife Of Santosh Pandit Village- Ganga Sirsiya, P.S.- Chakia, Dist- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Chakia P.S. Case No. 430 of 2023 dated 10.12.2023, instituted for the offence punishable under Sections 341, 323, 325, 379, 308, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 08.12.2023, petitioners came on the informant's shop in state of drunkenness and started abusing him and when the informant objected, the petitioners called their family members, who came there having been armed with *lathi*, rod, etc. and started assaulting the informant by iron rod, causing injury on the head



of the informant. When aunt of the informant came to rescue him, they also assaulted her causing fracture in her right hand. It is further alleged that Santosh Pandit snatched her golden chain, worth Rs. 18,000. It is also alleged that accused persons have assaulted the father and uncle of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is a specific allegation of assault by iron rod against Santosh Pandit, who assaulted the aunt of the informant with *lathi* in her hand. It is further alleged that Santosh Pandit snatched golden chain worth Rs. 18,000/-. It is further submitted that there is no specific allegation of assault against the petitioners. Both the parties are agnates and due to land dispute, the present case has been lodged. Lastly, it has been submitted that the petitioners have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection with Chakia P.S. Case No. 430 of 2023, they shall be released on anticipatory bail upon 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 of C.J.M. Motihari, East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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