

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37797 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- SAHPUR District- Bhojpur

1. Mohan Pandey @ Mohan Jee Pandey Son Of Late Shubh Narayan Pandey Resident Of Village- Gopalpur, P.S.- Shahpur, Distt- Bhojpur
2. Rahul Pandey @ Rahul Kumar Pandey Son Of Vijyanand Pandey @ Kanhaiya Pandey Resident Of Village- Gopalpur, P.S.- Shahpur, Distt- Bhojpur
3. Kanhaiya Pandey @ Vidyanand Pandey @ Vijyanand Pandey Son Of Late Shubh Narayan Pandey, Adopted Son Chatrapati Pandey Resident Of Village- Gopalpur, P.S.- Shahpur, Distt- Bhojpur
4. Sonu Pandey @ Amit Kumar Pandey Son Of Akhilanand Pandey Resident Of Village- Gopalpur, P.S.- Shahpur, Distt- Bhojpur
5. Akhilanand Pandey @ Akhilanand Pandey Son Of Late Shubh Narayan Pandey Resident Of Village- Gopalpur, P.S.- Shahpur, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Shahpur P.S. Case No. 72 of 2024, registered on 22.02.2024, for the alleged offence under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners came to the shop of the informant and scuffled with her husband who fell down and when the informant came there, she saw the fracture of



the head of her husband and also saw the petitioner Rahul Pandey fleeing away with an iron rod.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Petitioner No. 4, Amit Kumar Pandey, has earlier lodged Shahpur P.S. Case No. 71 of 2024 against the husband and son of the informant for committing offence under Sections 307 and 379 and other allied sections of IPC. In retaliation thereof, the present false case has been lodged without giving any motive or reason. The informant has falsely implicated even an old aged person in the present case. Further, the matter has now been compromised between the parties and a compromise petition has been filed before the learned trial court. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the counter version and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two



sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bhojpur at Ara in connection with Shahpur P.S. Case No. 72 of 2024, subject to the condition 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 petitioners.
- (ii) The petitioners 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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