

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38883 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- NTPC District- Patna

Abhishek Pandey @ Abhishek Kumar, Son Of Sanjeev Pandey, Resident Of
Village - Dhivar, Police Station - Ntpc, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Ram Shankar Das, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. In the present case, the petitioner is apprehending his arrest in connection with N.T.P.C. P.S. Case No. 15 of 2024 registered for the alleged offences under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons armed with *lathi*, *danda*, rod and knife, abused and assaulted the husband of the informant with knife and *lathi* causing a number of injuries to him. Further the son of the informant was also assaulted by the assailants with knife causing a number of injuries to him.

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



falsely implicated in this case. The present case is counter blast of N.T.P.C. P.S. Case No. 14 of 2024 registered under Sections 341, 323 and other allied sections of IPC which has been lodged by the petitioner's side prior to the instant case. There is injury of only one injured available on record i.e., Abhinandan Kumar and none of the injuries have been caused by any sharp weapon as injuries are lacerated wounds caused by hard and blunt substance. Learned counsel further submits that apparently it could be a free fight between two groups in which both sides received injuries. By no stretch of imagination Section 307 of IPC is made out against the petitioner. Petitioner is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner and others brutally assaulted the son of the informant which is a boy aged about 16 years and caused a number of injuries to him.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of sharp cut injury as alleged against the petitioner and others and the injuries are stated to be only laceration and



further considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner named above, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Barh, Patna/ court concerned in connection with N.T.P.C. P.S. Case No. 15 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 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)

balmukund/-

U		T	
---	--	---	--

