

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56475 of 2024

Arising Out of PS. Case No.-728 Year-2023 Thana- BRAHMPUR District- Buxar

1. Krishna Pandey @ Krishnakant Pandey son of Mohanjee Pandey Village- Brahmpur Ps- Brahmpur Dist- Buxar
2. Shrikant Pandey son of Mohanjee Pandey Village- Brahmpur Ps- Brahmpur Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 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 Brahampur P.S. Case No. 728 of 2023 registered on 11.12.2023 for the alleged offences under Section 341, 323, 379, 307, 504, 506 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-accused persons surrounded the informant and attacked him with knife and snatched his gold chain and earring. The petitioner no. 1 also took away Rs.6,000/- from the informant. Subsequently, they assaulted the younger brother of the informant with knife and other weapons causing injuries to him.



04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case as the petitioners and the informant side are co-villagers and next door neighbours and there is an ongoing land dispute between them. There is counter version to the occurrence and wife of the petitioner no. 1 has lodged Brahampur P.S. Case No. 731 of 2023 against the informant side with similar allegations. Learned counsel further submits that from the rejection order it appears that the injuries are simple and caused by hard and blunt object. This falsifies the allegation of the prosecution that the injuries are caused by knife. The F.I.R. has been lodged after a delay of one day for which there is no explanation. The petitioners have no criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and its counter version and further considering simple and non-corroborative injuries and also considering the possibility of false accusation, 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 Court of C.J.M., Buxar in connection with Brahampur P.S. Case No. 728 of 2023, 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)

anuradha/-

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

