

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50829 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Shyam Sundar Pandit son of Late Bhikhari Pandit @ Late Bhikar Pandit Village- Pipra Tole, Lakshmipur Ps- Kusheshwar Asthan, Dist-Darbhanga
 2. Ashok pandit son of Shyam Sundar Pandit Village- Pipra Tole, Lakshmipur Ps- Kusheshwar Asthan, Dist-Darbhanga
 3. Maheshwar Pandit son of Late Deban Pandit Village- Pipra Tole, Lakshmipur Ps- Kusheshwar Asthan, Dist-Darbhanga
 4. Ghuran Pandit son of Late Deban Pandit Village- Pipra Tole, Lakshmipur Ps- Kusheshwar Asthan, Dist-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Kusheshwar Asthan P.S. Case No. 64 of 2024 dated 20.03.2024, instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 308, 354, 379, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on 18.03.2024 at 3.30 AM when the informant was doing work on his land, all accused persons along with the petitioners abused



the informant and on objection they armed with lathi, danda, iron rod, sword assaulted him. When informant's son Saroj Mukhiya came to save him, then accused Ghuran Pandit pressed his neck with the help of *gamcha* and accused Maheshwar Pandit gave iron rod blow on the head of informant due to which he became injured and fell down on the ground and accused Shyam Sundar Pandit snatched golden ornaments from the neck of Ram Bali Mukhiya.

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 specific allegation against Maheshwar Pandit, who gave iron rod blow on the head of the informant. The medical report also supported the allegation and the opinion is reserved. There are three injuries mentioned in the injury report as lacerated wound on left parietal region of skull i.e. 1"X1/3"X1/4". So far other petitioners are concerned, the allegation against petitioner no. 1 Shyam Sunder Pandit is that he snatched golden chain and there is no specific allegation against petitioner no. 2 and petitioner no. 4, who wrapped the towel around the neck of the informant. It is submitted that there is no injury on the neck of the informant. It is submitted that there is a land dispute between the parties. It is further submitted



that there is case and counter case between the parties. It is submitted that petitioner no. 1 Shaym Sundar Pandit has lodged Kushehwar Asthan P.S. Case No. 63 of 2024 against the informant and others under Section 307 and other allied Sections of IPC which is prior to the filing of the informant's case. Lastly, it has been submitted that they have no criminal antecedent.

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

6. Since, there is specific allegation against petitioner no. 3 Maheshwar Pandit, who gave iron rod blow on the head of informant due to which he became injured, I am not inclined to grant anticipatory bail to petitioner no. 3 at this stage.

7. The prayer for anticipatory bail of petitioner no. 3, namely, Maheshwar Pandit is hereby **rejected**.

8. 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 petitioner nos. 1, 2 and 4 within a period of six weeks from today, in connection with Kusheshwar Asthan P.S. Case No. 64 of 2024, the petitioner nos. 1, 2 and 4 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 Judicial Magistrate- Ist Class, Biraul, Darbhanga, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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