

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57793 of 2024

Arising Out of PS. Case No.-121 Year-2023 Thana- KADIRGANJ District- Patna

1. Shrikant Pandit @ Shrikant Kumar, aged about 27 years (Male), son of Surendra Pandit, R/O Village- Daulatabad, P.S.- Kadirganj, Dist- Patna.
2. Ravikant Pandit @ Ravikant Kumar, aged about 21 years (Male), son of Surendra Pandit, R/O Village- Daulatabad, P.S.- Kadirganj, Dist- Patna.
3. Shashikant Pandit @ Shashi Kant Kumar, aged about 20 years (Male), son of Surendra Pandit, R/O Village- Daulatabad, P.S.- Kadirganj, Dist- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ranjay Kumar Singh, Advocate
For the Informant	:	M/S. Rajeev Kumar and Gautam Shah, Advocates
For the Opposite Party	:	Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 01-10-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Kadirganj P.S. Case No. 121 of 2023 dated 26.10.2023 registered for the offences punishable under Sections 341, 323, 307, 448, 504, 506, 379/34 of the I.P.C. Later on, Section 302 of the I.P.C. was also added.

3. As per the prosecution case, the paddy crops of the informant was being forcibly taken away by the accused persons. When he protested, the accused persons came to his house and assaulted, due to which, his father Pundeo Pandit and



his brother Bittu Kumar became unconscious. The accused persons also snatched *Jitiya Mangalsutra* of his mother. It is further alleged that in the said scuffle, the co-accused Surendra Pandit and Santosh Pandit and the petitioners Srikant Pandit, Ravi Kant Pandit and Shashi Kant Pandit assaulted them with *iron rod* and *Khanti*.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that both parties are own agnates and assaulted each other. There was free fight between the parties. There is case and counter case between the parties. There is also land dispute between the parties because they are co-sharers. It is further submitted that during the course of investigation, it has specifically come that the petitioners have not assaulted the deceased on the head which has resulted in his death. It is further alleged that the occurrence took place on 26.10.2023 and the F.I.R. has also been lodged on 26.10.2023 but the same was forwarded to the learned court below on 29.10.2023. It is further submitted that from perusal of the F.I.R., it would appear that the co-accused Surendra Pandit, Santosh Pandit and the petitioners Srikant Pandit, Ravi Kant Pandit and Shashi Kant Pandit have assaulted the informant's



father with *iron rod* and *Khanti* but the informant has not disclosed a single word that the petitioners have assaulted on which part of the body which creates doubt about the prosecution case. There is general and omnibus allegation against the petitioners. There is no specific overt act alleged against the petitioners. It is further submitted that in the said occurrence, the petitioners have also sustained injury, however, the doctor has opined the nature of injury is simple, as annexed as Annexure-P/3 to the bail petition for which the co-accused Santosh Kumar has also filed Kadirganj P.S. Case No. 120 of 2023 on 26.10.2023 registered for the offences punishable under Sections 341, 323, 307, 504 and 506/34 of the I.P.C. The deceased was own uncle of the petitioners and there was no intention to kill him. It is further submitted that the other co-accused person, namely, Santosh Pandit has already been granted bail by a Bench of this Court vide Cr. Misc. No. 25525 of 2024 under order dated 18.09.2024. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 27.04.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioners. Learned counsel for the informant has submitted



that in the present case, charge has been framed and till today only one witness has been examined. The petitioners and the co-accused persons are tampering the witnesses and four witnesses have refused to initiate the case and the wife of the co-accused Santosh Pandit has filed a false case being Kadirganj P.S. Case No. 62/2024 on 04.05.2024 against four charge sheeted witnesses and others, namely, Dayanand Pandit, Rajesh Pandit, Bishu Pandit, Dhananjay Pandit, Barho Devi and Arjun Pandit only to pressurize so that they may not able to examine in the learned court below. It is further submitted that the petitioners and the co-accused persons brutally assaulted the informant and his family members, due to that, the informant's father died and his other family members sustained multiple injuries.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist Class, Masaurhi, Patna in connection with Kadirganj P.S. Case No. 121 of 2023 with further condition:-

(I) The petitioners are directed to remain physically present before the learned court



below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioners are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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