

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65335 of 2024

Arising Out of PS. Case No.-676 Year-2023 Thana- HARSIDHI District- East Champaran

1. Krishna Mohan Pandey @ Mantu Pandey S/o Late Verma Pandey
2. Lal Saheb Pandey S/o Krishna Mohan Pandey @ Mantu Pandey.
Both R/o vill - Sonbarsa, P.S. - Harsidhi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr.Anil Kumar, learned counsel for the

petitioners and Mr.Zainul Abedin, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Harshidhi P.S.Case No.676 of 2023, FIR dated 23.11.2023 registered for the offences punishable under Sections 341,323,324,307,379,447,427,504 and 506/34 of IPC.

3. Allegation against petitioner No.1 is that he assaulted to the informant by means of iron rod due to which he received injury on his cheek and blood started oozing and when the informant's nephew Brijesh Kumar Pandey came to save him, petitioner No.2 assaulted him with Farsa, due to which he received head injury with bleeding.



4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. Although there is specific allegation against the petitioners that they have assaulted to the informant and his family members but from a bare perusal of the injury report of the informant and one Brijesh Kumar Pandey suggests that the injury inflicted upon the informant and Mr. Pandey is simple in nature.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners carry two more cases other than the present one.

6. Considering the aforesaid facts and the injury inflicted upon the injured person is simple in nature, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran in connection with Harshidhi P.S.Case No.676 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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