

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66225 of 2023**

Arising Out of PS. Case No.-213 Year-2023 Thana- NARDIGANJ District- Nawada

PANKAJ PANDEY @ PANKAJ KUMAR PANDEY Son of Annat Pandey
R/o Pandapa, P.S. - Nardiganj, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambar Narayan, Advocate

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

Mr. Sanjay Kumar Sinha, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

6 02-05-2024 1. Heard learned counsel for the petitioner, learned
APP for the State along with learned counsel for the O.P. No.2.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal
Code in connection with Nardiganj P.S. Case No.213 of 2023.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and have been
falsely implicated in the instant case by the informant.

4. It is next submitted that from perusal of the
allegation as alleged in the FIR, it would manifest that the
informant alleges that one Bigan Pandey met his son and his son
who sells mobile asked him whether he intends to purchase a
mobile or not, on which Bigan Pandey refused, thereafter the



son of the informant came back home, when it is alleged that all the accused persons including the petitioner came and started abusing the son of the informant which was objected on which it is alleged that petitioner assaulted him by a sword causing injury on head and thereafter Chhotu Pandey also assaulted by an iron rod causing injury on head, on alarm Bipin Kumar and Munni Devi came who saw the occurrence.

5. The learned counsel submits petitioner has been falsely implicated in the instant case by the informant, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that two persons are alleged to have assaulted the son of the informant, the petitioner and Chhotu Pandey. It is next submitted that the injury suffered by the injured Manish is both grievous and simple. It is further submitted that the petitioner suffers from disability of 40% as would manifest from the disability certificate issued by the Civil Surgeon-CMO-, Nawada (Annexure-2 to the supplementary affidavit). It is further submitted that petitioner is alleged to have assaulted the son of the informant by sword causing injury, but then the injury suffered by the injured is caused by hard and blunt substance. It is thus submitted that it appears that the assault made by Chhotu led to grievous injury as he is alleged to



have assaulted the son of the informant by an iron rod on head. It is also submitted that it is not possible for a person suffering from disability of 40% in his left hand and left leg could have committed such an occurrence when petitioner himself is not able to even stand properly and require support. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

6. The learned APP along with learned counsel for the informant opposes the anticipatory bail application and the learned counsel appearing on behalf of the informant submits that two sons of the informant namely, Bipin and Manish were assaulted who received injury and the injury suffered by Bipin is simple in nature, on which the learned counsel appearing on behalf of the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant does not even remotely suggest that Bipin was also assaulted rather has stated in the FIR that when the occurrence took place Bipin along with Munni Devi came to the place of occurrence and they also witnessed the same. It is submitted at the cost of repetition that petitioner suffers from disability and thus was not in a position to commit the occurrence.

7. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.,II, Nawada in connection with Nardiganj P.S. Case No.213 of 2023., subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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