

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69371 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- IMADPUR District- Bhojpur

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Ankit Pandey @ Ankit Kumar Son of Late Pramod Pandey R/O Vill.-
Bishmbharpur, P.S.- Imadpur, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Imadpur P.S. Case No. 37 of 2024, registered on 08.05.2024 for the alleged offences under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the informant was surrounded by five miscreants sitting on two motorcycle and the petitioner fired upon the informant but the shot missed. Thereafter, the petitioner gave a knife blow on left ankle of the informant and co-accused Ashish Pandey hit him with iron rod



on his waist and back of right thigh. Other three miscreants also hit the informant with iron rod.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case in a false and concocted story by the informant. The informant and the petitioner belong to same village and are neighbour. The informant was taken to Tarari PHC on the date of occurrence at 3.30 PM but no report was given to the police and it was the duty of the Tarari PHC to inform the police. Thereafter, fardbeyan was recorded on the next day at Ara and FIR was registered after three days on 8th of May, 2024 and was sent to learned Judicial Magistrate on 22.05.2024. All these facts taken together create doubt over the story of the informant. Learned counsel further submits that there is no material to show firing by the petitioner or causing any knife injury as the injury report shows cause of injury was hard and blunt object and the injuries are stated to be abrasion, lacerated wound and bruise and this report goes on to show the informant might have met with an incident and in order to take advantage of the condition, falsely implicated the petitioner and others due to their previous dispute. The petitioner is in custody since 10.07.2024 having clean antecedent.



5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the informant suffered fracture of tibia and the injury is stated to be grievous.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-corroborative nature of injury attributed to the petitioner and further considering the clean antecedent of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bhojpur, Ara/concerned Court in connection with Imadpur P.S. Case No. 37 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the



petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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