

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77497 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- KHUDWA District- Aurangabad

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Anantu Pandey @ Boss Pandey S/o Sambhu Pandey R/o vill - Pisai, P.S. -
Khudwan, Distt. - Aurangabad, Bihar

... .. 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 State : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-11-2024 Heard Mr. Ravindra Kumar, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Khudwan P.S. Case No. 07 of 2024 for the offences punishable under Sections 341, 448, 504, 506 and 307 of the Indian Penal Code and section 27 of the Arms Act, lodged on 23.01.2024 by the informant, Vikash Pandey.

3. As per the prosecution story, when the informant was sitting with his family in the home, this petitioner came and started abusing. Upon objection, he went to his house and thereafter, fired from there hitting the linter of his door and the bullet fell down near the gate of his room. There was no injury, accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that



both are neighbour, only because he has criminal antecedent, implicated, he will ensure that no such occurrence is reported against him henceforth. It is his further submission that if granted relief, and again such F.I.R. lodged, the prosecution shall be free to file cancellation of his bail bond. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the house of the information has been damaged, the petitioner(s) on its own would like to contribute Rs.10,000/- towards the repairing of the same through Demand Draft issued by the local State Bank of India branch to be submitted before the Trial Court to be handed over to the informant after checking credentials.

5. Learned APP for the State opposes the prayer submitting that he has criminal antecedent of the same nature and he is in the habit of doing such criminal act.

6. Having gone through the submissions of the parties, though, the allegation is grave, coupled with the fact that he has criminal antecedent, at first sight, this Court was not inclined to extend him the privilege of bail but solely taking into account his period of custody (since 15.05.2024) (paragraph no.16 of the petition) and further, undertaking of the learned counsel for the petitioner that if he indulges in the same criminal activity, the



prosecution shall be free to file cancellation of his bail bond, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid to the informant by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Khudwan P.S. Case No. 07 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;



(iv) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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