

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73211 of 2023

Arising Out of PS. Case No.-309 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

1. SHALIGRAM PANDEY S/O LATE MAHESH PANDEY R/O VILLAGE- BARKI SANATIYA, P.S- ARA MUFFASIL, DISTT.- BHOJPUR.
2. UMRAWATI DEVI W/O SHALIGRAM PANDEY R/O VILLAGE- BARKI SANATIYA, P.S- ARA MUFFASIL, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Shyameshwar Kumar Singh, Advocate
For the State	:	Mr. Satya Nand Shukla, APP
For the Informant	:	Mr. Rajendra Nath Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 29-02-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, on 17.07.2023 at about 06:30 PM, while the informant was sitting in his orchard along with his family members, all the accused persons, including these petitioners, variously armed, came riding on a tractor and started abusing the informant and his family members and on protest, these petitioners instigated the other accused persons on which co-accused Pintu Pandey, Mantu Pandey and Manoj



Pandey assaulted the informant and his family members with lathi and kudal. Thereafter, co-accused Pintu Pandey fired, due to which one Aarti Pandey received two gun shot injuries on the chest.

4. It is submitted by learned counsel appearing on behalf of the petitioners that these petitioners are only alleged to have instigated and did not participate in the alleged occurrence. There is no allegation of over act against these petitioners. It is next submitted that co-accused Manoj Kumar Pandey has already been granted the privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 30.11.2023 passed in Cr. Misc. No. 72422 of 2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances, nature of accusation and claim based on parity, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged 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, Bhojpur at Ara, in connection with Ara Muffasil P.S. Case No.309 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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