

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81250 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- SHAMPUR District- Munger

1. Ghanshyam Pandit @ Ghanshyam Kumar son of Late Bhuskari Pandit Village- Majhghai, P.S.- Shampur, Dist- Munger
2. Rupesh Kumar @ Rupesh Pandit son of Sunil Pandit Village- Majhghai, P.S.- Shampur, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Shampur P.S. Case No. 32 of 2024, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325 and 307 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that on the fateful day, while the informant was going along with his father in his farm, in the meantime, all the FIR named accused persons, including the petitioners, armed with *lathi*, *danda* and rod surrounded them. It is specifically alleged that the petitioner no. 1 by wrapping a *gamcha* in the neck of the



father of the informant dragged and knocked him. It is further alleged that the petitioner no. 2 has assaulted the father of the informant by means of a *lathi* over his head, due to which he sustained serious injuries. Further allegation of assault has also levelled against other accused persons.

4. Learned Advocate for the petitioners contended that the genesis of the occurrence is a land dispute, resulting into institution of the case and counter case, being Shampur P.S. Case No. 34 of 2024, instituted by the mother of the petitioner no. 2 against the informant and others. Drawing the attention of this Court to the injury report, it is further contended that so far the allegation of causing *lathi* blow over the head of the father of the informant is concerned, that does not corroborate the prosecution case, inasmuch as, no injury over the head of the injured has been found. The injury, which has been caused over the elbow of the injured, that has been found to be grievous in nature, but admittedly, it has not been attributed to the petitioners. The petitioners are men of fair antecedent and they undertakes that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that there is



specific allegation of causing assault to the informant and others.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the factum of case and counter case, coupled with the injury report, which do not support the prosecution case to the extent the allegation has been levelled against the petitioner no. 2, coupled with their fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Shampur P.S. Case No. 32 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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