

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80975 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- BARAHAT District- Banka

1.

Himanshu Shekhar Pandit @ Hemant Kumar Pandit @ Hemant Pandit @ Babua Son of Triveni Pandit R/o Village-Paniya, P.S- Barahat, District-Banka
2.

Uday Shankar Pandit @ Mithu Pandit son of Chandra Shekhar Pandit @ Pappu Pandit R/o Village-Paniya, P.S- Barahat, District-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 80994 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- BARAHAT District- Banka

Chandra Shekhar Pandit @ Pappu Pandit S/o Triveni Pandit R/o Village-Paniya, PS- Barahat, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 80975 of 2024)
For the Petitioner/s : Mr. Umesh Kumar Verma, Adv.
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP
(In CRIMINAL MISCELLANEOUS No. 80994 of 2024)
For the Petitioner/s : Mr.Umesh Kumar Verma, Adv.
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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04-12-2024

Since both the petitions for bail arises out of same PS Case i.e. Barahat PS Case No. 08 of 2024, they are being heard and disposed of by a common order.

2. The petitioners apprehend arrest in connection with Barahat P. S. Case No. 08 of 2024 dated 10-01-2024,instituted



for the offence punishable under Sections 341,323,324,325,307, 354, 504 and 506/34 of the Indian Penal Code.

3.The prosecution case, in short, is that on 08-01-2024, the petitioner along with other accused persons assaulted to Sanjay Mandal, Rajendra Mandal, Mamta Devi Prem Lata Devi and informant Manoj Mandal by means of rod, *lathi* and sharp cutting weapon. In the meantime, they are alleged to have disrobed the informant's wife.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Specific allegation of assault is attributed against co-accused, namely, Shushant Pandit @ Sonu Pandit and Kataki Pandit. There is no specific allegation against the petitioners rather the allegation against them is general and omnibus in nature. It is submitted that petitioner no.1 in Cr. Misc. No. 80975 of 2024 , namely Himanshu Shekhar Pandit @ Hemant Kumar Pandit has lodged a criminal case *vide* Barahat PS Case No. 02 of 2022 dated 01-01-2022 against the present informant and his family members under Sections 341,323,504 and 506/34 of the IPC prior to the present case. It is submitted that there is land dispute between the parties. The petitioner no.1 has filed a case bearing Jambandi case no. 122 of 2021 in the court of



learned Additional Collector Banka on 23-12-2021 against the informant's family members for cancellation of Jamabandi No. 55. It is submitted that after its admission, notices were issued to the opposite parties. Thereafter opposite parties appeared through their lawyer. In the aforesaid case, the learned Additional Collector, Bank called for a report from the Circle Officer, Baunsi with regard to the land in question. Pursuant to which, the Circle Officer, Banusi has submitted his report, as per report of Revenue *Karamchari*- cum-Circle Inspector, Baunsi *vide* his letter no. 486 dated 07-06-2022, mentioning therein that the *Jambandi* of informant's side is suspicious. It is also submitted that the informant's family members filed Title Suit No. 309 of 2022 (Sanjay Mandal & Ors. vs. Triveni Pandit & Ors.) in the court of learned Sub Judge, Banka on 02-11-2022. After summon, petitioners appeared before the court concerned. It is next highlighted that both parties received injuries. Lastly, it has been submitted that petitioners of Cr. Misc. No. 80975 of 2024 have one criminal case against them which was lodged by the family members of the informant whereas, petitioner of Cr. Misc. No. 80994 of 2024 have no criminal antecedents .

5. Learned A.P.P. has opposed the prayer for bail of



the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners of both the cases within a period of six weeks from today, in connection with Barahat P.S. Case No. 08 of 2024, GR Case No. 128 of 2024 they shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM 1st Banka, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The applications stand allowed.

(Khatim Reza, J)

shyambihari/-

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