

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3428 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- MANIHARI District- Katihar

Karu Pandey @ Kartik Pandey @ Kartik Kumar Pandey S/O Kundan Kumar
Pandey, R/O Village- Dilarpur, P.S- Manihari, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Ranjan, Advocate Mr. Abhishek Teerthankar, Advocate Mr. Ankit Kumar, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Vinay Ranjan, the learned counsel for
the petitioner and Mr. Zainul Abedin, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Manihari PS Case No. 109 of 2023, FIR dated
25.05.2023, registered for the offences punishable under
Sections 307, 323, 341, 379, 504, 506 and 354 read with Section
34 of the Indian Penal Code.

3. According to prosecution case, the petitioner along
with other co-accused persons was plowing the informant's land
and upon protest, they assaulted the informant with fists and
slaps and also threatened her with dire consequences. It is
further alleged that they also assaulted her husband with

bamboo stick and iron-rod due to which he sustained injury on his head. It is also alleged that one Anand Pandey attempted to outrage the modesty of the informant and Divakar Pandey and Umanath Pandey snatched her golden chain and also took her money.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there is case and counter-case between the parties and upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather the specific allegation of assault is attributed against the co-accused persons namely, Bimal Pandey and Shivdutt Pandey, who have been granted bail by a co-ordinate Bench of this Court vide order dated 08.11.2023 passed in Cr. Misc. No. 71636 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, there is no specific allegation of assault or overt act against him and similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court, let the petitioner, above

named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar, where the case is pending in connection with **Manihari PS Case No. 109 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for

cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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