

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2963 of 2024

Arising Out of PS. Case No.-138 Year-2021 Thana- RAJNAGAR District- Madhubani

1. SHIV KUMAR PANDEY SON OF LATE FAKIR PANDEY RESIDENT OF VILLAGE- BISHAHARI TOLA, P.S.- RAJ NAGAR, DISTRICT- MADHUBANI
2. NAND LAL PANDEY SON OF SHANKAR PANDEY RESIDENT OF VILLAGE- BISHAHARI TOLA, P.S.- RAJ NAGAR, DISTRICT- MADHUBANI
3. SONI DEVI WIFE OF SHANKAR PANDEY RESIDENT OF VILLAGE- BISHAHARI TOLA, P.S.- RAJ NAGAR, DISTRICT- MADHUBANI
4. SHANKAR PANDEY SON OF LATE HARI PANDEY RESIDENT OF VILLAGE- BISHAHARI TOLA, P.S.- RAJ NAGAR, DISTRICT- MADHUBANI
5. GHANSHYAM PANDEY SON OF SHANKAR PANDEY RESIDENT OF VILLAGE- BISHAHARI TOLA, P.S.- RAJ NAGAR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State Of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-04-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Raj Nagar P.S. Case No. 138 of 2021 for the offence registered under sections 341, 504, 506, 323, 324, 325, 379 and 34 of the Indian Penal Code lodged on 02.05.2021 by the informant, Pawan Kumar Pandey.

3. As per the prosecution story, the informant alleged



that on 08.04.2021, all the F.I.R. named accused armed variously came and assaulted him as also his wife. The allegation against petitioner no. 5, Ghanshyam Pandey is of assaulting the informant on his head while on petitioner no. 2, Nand Lal Pandey is of fracturing his hand. So far as the petitioner no. 4, Shankar Pandey is concerned, he also assaulted. There is further allegation of taking away the amount and jewellery and outraging the modesty of his wife. Accordingly, the F.I.R.

4. Learned Counsel for the petitioners submit that the case is alleged to have happened on 08.04.2021 but the F.I.R. was lodged on 02.05.2021 and the delay has not been explained. There is a case and counter case, their case registered earlier to the informant and the injuries have been found to be simple in nature so far as the head is concerned. Regarding injury to the hand, no injury report is on record, none of the petitioners have criminal antecedent and petitioner no. 3 is a lady.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 2,000/- each (Rs. 10,000/-) through



Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that all of them assaulted the informant and his wife and tried to outrage the modesty.

7. Though there is allegation of assault on all the accused persons, there is inordinate delay in lodging of the F.I.R., injuries have been found to be simple in nature, they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 2,000/- each (Rs. 10,000), as stated above.

8. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Madubani in connection with Rajnagar P.S. Case No. 138 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioners, who shall provide official document to show their *bona fide*;

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

(iii) the petitioners shall in no 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 their bail bonds;

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

(Rajiv Roy, J)

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