

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4018 of 2024**

Arising Out of PS. Case No.-158 Year-2023 Thana- DHANSOI District- Buxar

1. Rama Shankar Pathak Late Damari Pathak R/o- Village + Post Jagman Pur PS- Dhansoi Distt- Buxar
2. Sri Mann Narayan Pathak & Jhabbu Pathak, son of Rama Shankar Pathak R/o Village + Post Jagman Pur, P.S. Dhansoi, Distt- Buxar
3. Monoj Pathak @ Dina Pathak & Manoj Kumar Pathak son of Rama Shankar Pathak R/o- Village Jagman Pur Post- Jagman Pur, PS- Dhansoi Distt- Buxar
4. Goldi Pathak son of Rama Shankar Pathak R/o- Village Jagman Pur Post- Jagman Pur, PS- Dhansoi Distt- Buxar
5. Sonu Pathak son of Rama Shankar Pathak R/o- Village Jagman Pur Post- Jagman Pur, PS- Dhansoi Distt- Buxar
6. Om Prakash Pathak @ Guddu Pathak son of Hari Shankar Pathak R/o- Village Jagman Pur Post- Jagman Pur, PS- Dhansoi Distt- Buxar
7. Ankit Pandey son of Late Shiv Shankar Pathak & Shiv Shankar Pandey R/o- Village Milki Post- Milki, PS-Natwar Distt- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Arvind Pandey, Advocate       |
| For the Informant        | : | Mr. Om Prakash Upadhyay, Advocate |
| For the Opposite Party/s | : | Mr. Awadhesh Kumar Singh, APP     |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      07-02-2024                      Heard Mr. Arvind Pandey, learned counsel for the petitioners, Mr. Om Prakash Upadhyay, learned counsel appearing on behalf of the Informant and Mr. Awadhesh Kumar Singh, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Dhansoi P.S. Case No. 158 of 2023, F.I.R. dated 28.10.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 379, 384, 504, 506 of the Indian Penal Code.



3. Allegation against the petitioners is that they along with other co-accused persons came with lathi and rod and started assaulting. Accused Manoj Pathak @ Dina Pathak after instigation of Om Prakash Pathak he assaulted the informant's younger brother on head with iron rod resulting blood was oozing and fell down on the earth. It is further alleged that accused Sri Mann Narayan Pathak @ Jhabbu Pathak assaulted the informant with *danda* resulting his right leg fractured and also sustained injury on his right hand finger and also another accused persons came and started abusing the informant's mother.

4. Learned counsel for the petitioners submits that the petitioner nos. 2 and 6 having clean antecedents whereas petitioner nos. 1, 3, 4, 5 and 7 carry one more case other than the present one in which they are on bail. He further submits that the petitioners have been falsely implicated in the present case due to admitted land dispute between the parties and from perusal of the F.I.R. it appears that there is direct and specific allegation of assault attributed against Manoj Pathak @ Dina Pathak @ Manoj Kumar Pathak and there is general and omnibus allegation against all the accused persons including the petitioners and there is case and counter case between the



parties and all the injuries received by the informant's side are simple in nature except the injury report of Madhusudan Pathak and Nand Kishore Pathak who has received injury but the doctor has opined that the injuries are grievous but from perusal of the injury of Madhusudan Pathak and Nand Kishore Pathak, it appears that due to fracture in their hands, the injuries are grievous in nature which is not the vital part of the injured person.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that there is direct and specific allegation against the petitioners that they have assaulted the informant and his family members.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Buxar in connection with Dhansoi P.S. Case No. 158 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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