

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74134 of 2024

Arising Out of PS. Case No.-260 Year-2024 Thana- SAHPUR District- Bhojpur

Kedar Nath Pandey @ Kedar Pandey S/O Late Yamuna Pandey Resident of Village- Shivpur, P.S- Shahpur, Distt.- Bhojpur (Bihar), Presently resides at C/o Shrikant Pandey, Flat No.- M 52-B, Adani Bramha Samsara, Sector- 60, P.O.- Badshahpur, P.S- Sector- 56, Gurugram, PIN- 122101, Distt.- Gurugram (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Sr. Advocate Mr. Prashant Bhushan, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 29-01-2025 1. Heard Mr. Amit Shrivastava, learned Sr. counsel for the petitioner and Mr. Sunil Kumar Pandey, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Shahpur P.S. Case No. 260 of 2024 dated 29.07.2024 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2) and 3(5) of the B.N.S.

3. The main submissions advanced by the learned senior counsel for the petitioner are that the petitioner is a 77 year old person and retired from the post of DGM in Research and Development Centre for Iron and Steel (RDCIS), SAIL, Ranchi in the year 2008 and the FIR goes to show that there



was a family dispute in between both the parties though the petitioner is named in the FIR and against him there is specific allegation of having assaulted the informant by means of iron rod but the said allegation is completely false and unbelievable and as per the informant, the petitioner initially instigated the co-accused and thereafter, he himself inflicted three iron rod blows at the forehead, hand and leg but on the hands and legs of the informant, no injury was found though, fractures to the wall of left maxillary to right temporal and right parietal and frontal bones were found as per the informant's injury report but the injuries are specifically attributed to the co-accused, brother of this petitioner. It is further submitted that the alleged occurrence is said to have taken place on 29.07.2024 at 1:30 P.M. and thereafter, the informant himself went to the police station and wrote the FIR in his own writing and produced the same before the police officer and these acts clearly show that during that time, the informant was not in a critical condition. Learned senior counsel further submits that the petitioner is suffering from serious ailments and in the year 2010, he was diagnosed with cancer and recently in the month of December, 2024, the cancerous tumor in the intestine of the petitioner has been found progressive and in this regard, sufficient medical



prescriptions and other documents relating to the treatment as well as diagnosis have been filed by the petitioner as Annexures to supplementary affidavit. It is further submitted that the petitioner has also suffered from Neuro problem for which he was operated and in this regard, sufficient documents have been filed with the main petition.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner and submitted that there is serious allegation against the petitioner and he not only instigated the co-accused but also proceeded to assault the informant and fractures to the vital part of the body, head of the informant were found and the case is under investigation.

5. Considering the aforesaid submissions advanced by petitioner's counsel and mainly taking into account the petitioner's old age as well as his health issues as pointed out by his counsel, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Shahpur P.S. Case No. 260 of 2024 on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount



each to the satisfaction of the Court concerned, subject to the
conditions as laid down under Section 484(2) of the B.N.S.S.

(Shailendra Singh, J)

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