

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82002 of 2024

Arising Out of PS. Case No.-220 Year-2021 Thana- DAUDPUR District- Saran

1. Nitesh Pandey @ Nitesh Kumar Pandey @ Appu Pandey S/O Fulena Pandey Resident of Village-Jaitpur, P.S.- Daudpur, District- Saran
2. Akhilesh Pandey @ Pappu Pandey Son of Fulena Pandey Resident of Village-Jaitpur, P.S.- Daudpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 22-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Daudpur P.S. Case No. 220 of 2021 registered for the offences under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, while the informant has been watering her wall, the water overflowed on the road and in this background the petitioners and other co-accused persons armed with lathi, danda, rod and Farsa brutally assaulted her. The allegation against petitioner no. 1 is that he gave a Farsa blow on the head of the informant causing fracture



on head and she became unconscious and fell down. Thereafter, they took away Rs.80,000/- and ornaments from the house of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The occurrence is stated to have taken place on 05.09.2021 whereas the First Information Report has been lodged on 08.09.2021, i.e., after 2 days and there is no explanation for the same. Thereafter, the FIR has been sent to the court concerned after 9 days of the institution of the case and it shows it is an ante-dated document. The police investigated the matter and submitted charge sheet on 21.04.2022 under bailable sections against Fulena Pandey and Meena Devi and exonerated the petitioners from the case. However, differing with the police report, learned Magistrate took cognizance against the petitioners under Section 307 and other bailable sections of the IPC. Though, the allegation of assault by Farsa on the head of the informant is against petitioner no. 1, no such injury has been found on the informant as injury report shows only injury of size 1/2"x1/4"x1/2" over occipital region which is lacerated wound and the same has been caused by hard and blunt object. This falsifies the allegation against petitioner no. 1



and other injuries are swelling over occipital region, bruise over lateral aspect of left leg and pain in whole body. All these injuries have been stated to be simple in nature caused by hard and blunt object. There is no specific allegation of assault against petitioner no. 2. Therefore, no offence under any of the provisions mentioned in the FIR is made out against the petitioners. The petitioners are having antecedent of one case in which they are on bail.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injury attributed to the petitioners and also considering the factum of closure report submitted by the police against the petitioners and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saran at Chapra/concerned court in connection with Daudpur P.S. Case



No. 220 of 2021, subject to the condition as laid down under
Section 482(2) of the B.N.S.S. and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

