

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1672 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- SALAKHUA District- Saharsa

1. Bechan Pandit S/O Maheshwari Pandit Resident of village - Morkahi, Utesra, ward no.- 01, P.S- Salkhua, District - Saharsa
2. Brajesh Pandit S/O Maheshwari Pandit Resident of village - Morkahi, Utesra, ward no.- 01, P.S- Salkhua, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP
For the Informant : Mr. S.M. Ashraf, Sr. Advocate
Mr. Rana Hason, Advocate
Ms. Homa Yunus, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 28-02-2025 Heard learned counsel for the petitioners; learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Salkhua P.S. Case No. 156 of 2024 dated 22.06.2024 instituted for the offence punishable under Sections 341, 323, 324, 307/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, the informant was constructing his house. In the meantime, petitioners along with other accused persons armed with weapons came and assaulted the informant's side. Bechan Pandit (petitioner no. 1) assaulted Shambhu Pandit by means of rod on his head due to which blood started oozing out from his head and he became unconscious. Brajesh Pandit (petitioner no. 2) with an intention



to kill assaulted with spade on the head of Santosh Pandit (nephew of the informant) due to which blood started oozing out from his head and he became unconscious.

4. Learned counsel for the petitioner submits that the petitioners are innocent and they have falsely implicated in this case. It is further submitted that there is a specific allegation of assault against petitioners. Petitioner no. 1 assaulted with rod on the head of Shambhu Pandit and petitioner no. 2 assaulted with spade on the head of Santosh Pandit. It is further stated that both the parties are agnates and there is a land dispute between them. It is next submitted that there is case and counter case between the parties. Counter case bearing Salkhua P.S. Case No. 158 of 2024 has been lodged by Savita Devi (wife of Brajesh Pandit) against the informant and others for the same occurrence. Lastly, it has been submitted that the petitioners are in custody since 13.09.2024 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioners. Learned APP on going through the case diary submits that injury report of both the injured is available in the case diary. Both the injured have received injury on right



parietal region of head and although injuries on the person of Shambhu Pandit are found to be simple but the injuries on the person of Santosh Pandit has been found to be grievous in nature. The intention of the petitioners could be gathered from the fact that both the injured have sustained injury on vital parts of the body.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties coupled with the fact that there is a specific allegation of assault against the petitioners, I am not inclined to grant bail to the petitioners.

7. Accordingly, the prayer of the petitioners for grant of bail is hereby rejected.

8. The learned Trial Court is directed to take all endeavour to conclude the trial within nine months from the date of receipt/production of a copy of this order. If the trial is not concluded within nine months, the petitioners will be at liberty to renew their prayer for bail.

(Khatim Reza, J)

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