

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17492 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- BATHWARIA District- West Champaran

Sidarth Pandey @ Sidarth Madi Kashyap @ Sidharth Mani Kashyap S/o Sesh Mani Pandey R/o vill - Chandraha Rupwaliya, P.s.-Bathwariya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17724 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- BATHWARIA District- West Champaran

1. Rajan Pandey S/O Late Rampujan Pandey R/O Village -Chandraha Rupwaliya,P.S-Bathwariya, Dist- West Champaran
2. Happy Pandey @ Raviraj Pandey S/O Raj Ranjan Pandey R/O Village -Chandraha Rupwaliya,P.S-Bathwariya, Dist- West Champaran
3. Seshmadi Pandey @ Sesh Mani pandey S/O LateParshuram Pandey R/O Village -Chandraha Rupwaliya,P.S-Bathwariya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17492 of 2025)

For the Petitioner/s : Mr.Milind Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh,A.P.P.

(In CRIMINAL MISCELLANEOUS No. 17724 of 2025)

For the Petitioner/s : Mr.Milind Kumar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 02-04-2025 Since both the petitions arise out of same P.S. i.e.,

Bathwariya P.S. Case No. 73 of 2024, as such, they have been

taken up together and are being disposed of by this common order.

02. Heard learned counsel for the petitioners and



learned A.P.P. for the State.

03. In the present cases, the petitioners are apprehending their arrest in connection with Bathwariya P.S. Case No. 73 of 2024 registered for the alleged offences under Section 126(2), 115(2), 118(1), 117(2), 109, 329(3), 191(2), 191(3), 190, 303(2), 308(3), 308(4) of the B.N.S.

04. As per prosecution case, the petitioners tried to forcibly plough the land of the informant and when opposed, they brutally assaulted the informant causing a number of injuries to him. There is further allegation of making attempt to life on the informant by the petitioners. There is also allegation of demand of extortion money.

05. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case is counter blast of Bathwariya P.S. Case no. 75 of 2024 and in order to save themselves, the petitioners have been made scapegoat. The injury report shows the informant suffered two simple and superficial injuries and one lacerated wound has been found which is an open fracture on lower third antero lateral aspect of right leg and this injury is stated to be grievous but it is on the leg and is not life threatening. Learned counsel further submits that in fact the informant fell down in course of quarrel and got his right leg fractured and filed this false



case to falsely implicate the petitioners. Learned counsel further submits that considering the counter case, it is apparent that there has been scuffle between two sides and both sides sustained injuries and there was no intention to cause death of any person. Learned counsel submits that there is no specific allegation against the petitioners. The petitioners are having clean antecedent except for the petitioner Rajan Pandey who is having antecedent of two cases.

06. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the mostly clean antecedent of the petitioners and also considering simple and non-serious nature of injuries of the informant and further considering the background of case and counter case and probability of false accusation, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of A.C.J.M.-II, Bagaha, West Champaran in connection with Bathwariya P.S. Case No. 73 of 2024, subject to the condition 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)

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