

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20950 of 2025

Arising Out of PS. Case No.-277 Year-2020 Thana- BIHTA District- Patna

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Avinash Kumar @ Avinash Kr. Pandey@ Avinash Pandey Son of Manoj Kumar Pandey Resident of Village and Post- Sadishopur, P.S.- Bihta, Distt.- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 03-07-2025 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 147, 148, 341, 323, 307, 337, 504, 506 and 325 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation in the first information report has been made against as many as seven accused persons along with twenty to twenty five unknown persons that they had all assaulted the informant and his son along with his driver. There are some specific allegations against Ajay @ Tinku and Vinay @ Chhotu. Further, there are general allegations of brick batting against the petitioner, Manish Kumar and Sonu.



4. It is submitted by learned counsel for the petitioner that the parentage of the petitioner as stated in the first information report is not correct as the petitioner is the son of Manoj Kumar Pandey, whereas the name of father of petitioner has been stated as Golu Pandey in the first information report. It is for this reason that he never had knowledge of the case against him and it is only in the year 2024 that for the first time his parentage was indicated and, thereafter, the police raided at his house in search of him and after having such knowledge petitioner applied for anticipatory bail. It is further submitted that it would be apparent from the first information report that the specific allegation is against Ajay @ Tinku and Vinay @ Chhotu, out of whom Vinay @ Chhotu has got privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 05.02.2021 passed in Cr. Misc. No.6564 of 2021. It is further submitted that there is case and counter case and it was a case of free fight between the parties. Further, the injury report of the informant has been annexed as Annexure-2 and the same is also in the case diary, which would show that the informant has received simple injury.

5. Learned APP for the State opposed the prayer for bail.

6. Taking into consideration the facts and circumstances of



the case as also considering the fact that there is only general allegation of brick batting against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bihta P.S. Case No. 277 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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