

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22713 of 2025

Arising Out of PS. Case No.-691 Year-2024 Thana- FATUA District- Patna

1. Pawan Kumar S/o- Santosh Kumar Village- Jafrabad Police Station- Fatuha District-Patna
2. Pajju Kumar S/o- Santosh Kumar Village- Jafrabad Police Station- Fatuha District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anjana, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-05-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Fatuha P.S. Case No. 691 of 2024 lodged on 30.09.2024, for the offence punishable under Sections 126(2), 115(2), 109, 75, 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioners. It has been alleged in the FIR that the petitioners and their father have abused the informant and they have also misbehaved with her. It has also been alleged in the FIR that both the petitioners



have fired upon the informant, but the informant somehow saved herself and fled away and thereafter, called the police.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the entire family has been made accused in this case and the informant and petitioners are resident of same village and only due to petty matter, scuffling took place and petitioners' name has been inserted in this case. Counsel further submits that petitioner no.2 has no criminal antecedent, but petitioner no.1 has one criminal antecedent in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that in the FIR, the allegation of firing is there against the petitioners. Counsel submits that it has been acknowledged by the Sessions Court that in case diary, witnesses have supported the case. Counsel further submits that from the impugned order, it transpires that both the petitioners have criminal antecedent, whereas, in paragraph no.3 of the bail application, it has been stated that there is only criminal antecedent of petitioner no.1 and petitioner no.2 has no criminal antecedent.

6. In response thereof, Counsel for the petitioners



submits that on his request, correction has come in the impugned order that petitioner no.2 has no criminal antecedent which is annexed with the impugned order.

7. As such, in the present facts and circumstances of this case, let the above named petitioner no.2 namely, Pajju Kumar be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of A.C.J.M.-II, Patna in connection with Fatuha P.S. Case No. 691 of 2024, subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. So far as bail application of petitioner no.1 namely, Pawan Kumar is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of petitioner no.1 is hereby rejected.

(Dr. Anshuman, J)

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