

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23917 of 2025

Arising Out of PS. Case No.-173 Year-2024 Thana- NALANDA District- Nalanda

Baidyanath Pal S/O Late Shyam Sundar Pal R/O Village- Juafardih, P.S and Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.
Ms. Kumari Pallavi, Adv.
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-09-2025 Heard Ms. Kumari Pallavi, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Nalanda P.S. Case No. 173 of 2024 for the offence registered under sections 191(2), 191(3), 126(2), 115(2), 109(1) of the BNS and later on 103(2) of BNS Act lodged on 22.10.2024 by the informant, Pankaj Kumar.

3. As per the prosecution story, the informant alleged that on 21.10.2024, his brother, Chandan Kumar was going to join his night duty on four lane road when the accused persons after hot altercation assaulted him. Specific allegation is against Raushan Pal and Ajay Pal of giving iron rod blow on the head of his brother and as a result whereof, he became unconscious.



Later, the allegation is that the other accused persons including the petitioner assaulted him by lathi/danda. He was shifted to Biharsarif hospital and then to Patna and was admitted in ICU. Subsequently, the brother succumbed to the injuries. This led to the FIR and addition of Section 103(2) of the BNS Act.

4. Learned Counsel for the petitioner submits that a perusal of the FIR would show that the main allegation is against Raushan Pal and Ajay Pal of assaulting the informant's brother. Subsequently, as an afterthought, the entire family members have been implicated which include the present petitioner who has no criminal antecedent and is 73 years old. Further, if granted bail, he shall be diligently appearing in trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that though main allegation is against Raushan Pal and Ajay Pal, subsequently, the other accused persons also assaulted.

6. Considering the submissions of the parties as also the facts that have been narrated above, admittedly, main role has been assigned to Raushan Pal and Ajay Pal, omnibus nature is there against the petitioner, he is 73 years old having no criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.



7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM-VIII, District-Nalanda at Biharsarif. in connection with Nalanda P.S. Case No. 173 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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