

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33427 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- AANDAR District- Siwan

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Pankaj Bhagat @ Pankaj Kumar S/o- Surendra Bhagat @ Surendra Singh
Resident Of Village- Saidpur, Ps- Andar M H Nagar, Dist- Siwan
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Praveen Kumar
For the State : Mr. Shailendra Kumar
For the informant Mr. Umesh Lal Verma
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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 25-07-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is apprehending his arrest in a case registered under section 126(2), 115(2), 109(1), 352 and 351(2) of B.N.S.

3. The allegation in the F.I.R is that a dispute had taken place between the injured Ras Bihari Singh and co-accused Lal Babu Singh. It is alleged that the said Lal Babu Singh locked Ras Bihari Singh in his house and assaulted him brutally due to which he sustained injuries and thereafter, he was taken to Primary Health Center for treatment and then referred to Sadar Hospital. Earlier also there was quarrel between them for which cases had been filed by both sides.

4. Learned counsel for the petitioner submits that the first information report would itself reveal that the allegation is specific against Lal Babu Singh and so far as the petitioner is



concerned, he has not even been named in the same FIR. Further, the FIR has been lodged by a Choukidar and not by any of the family members despite the fact that during the course of investigation in the statement of the victim, it has been stated that he was also accompanied by his brother who was also chased and assaulted by two of the accused persons including the present petitioner. However, no injury report of the brother of Ras Bihari Singh is on record. It is next submitted that both the parties are on litigating terms with each other and a civil litigation is also being contested between them. Annexure-P/2 has also been brought on record to show that for an incident which took place on 04.01.2025 the accused Lal Babu Singh filed a case on the next day i.e. on 05.01.2025 whereas the present FIR relating to the occurrence of 04.01.2025 was lodged after inordinate delay on 09.01.2025 for which no plausible explanation has been tendered. It has also been submitted that out of five injuries sustained by Ras Bihari Singh two are simple in nature whereas three grievous injuries are on non-vital parts of the body and hence, no intention to cause death can be imputed into the allegation. Further, submission is that the petitioner is suffering with 45% of locomotive disability as per Annexure-P/3.



5. Learned counsel for the informant, however, vehemently opposes the grant of anticipatory bail on the ground that the injured has suffered at least three grievous injuries and it would appear from the statement recorded subsequently during the course of investigation that this petitioner was also one of the persons who has indulged in assaulting him.

6. Considering the fact that the petitioner was not named in the delayed and belated FIR and he is suffering with locomotive disability, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail 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 Andar (M.H. Nagar) P.S. Case No. 09 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, before accepting the bail bonds of the petitioner, the learned court concerned would verify the factum of locomotive disability of the petitioner.

(Soni Shrivastava, J)

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