

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32573 of 2025

Arising Out of PS. Case No.-173 Year-2024 Thana- JANTA BAZAR District- Saran

Ram Ekbal Pandey Son of Late Ramlakhan Pandey Resident of Vill- Senduar
(Pandey Tola), P.S.- Janta Bazar, District- Sharan at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Janta Bazar P.S. Case No. 173 of 2024 registered for the offence punishable under Sections 126(2), 115(2), 118(1), 109, 3(5) of B.N.S.

3. As per prosecution case, petitioner is said to have assaulted the informant's wife by means of sharp portion of spade due to which she became unconscious and fell down on the earth.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case i.e. Janta Bazar



P.S. Case No. 99 of 2021 which was lodged by wife of present informant and petitioner is on bail in the said case. Learned counsel further submits that though alleged occurrence took place on 22.08.2024 but FIR was instituted on 25.08.2024 and there is no explanation regarding delay of three days in lodging the FIR, while the distance from the police station to place of occurrence is only 3 km. He further submits that though there is allegation against the petitioner who is said to have assaulted the informant's wife by means of sharp portion of spade but injury as mentioned in the impugned order is totally inconsistent with the prosecution story as said injury is simple in nature caused by hard and blunt substance. He further submits that there is case and counter case between the parties on the same date of occurrence and hence, free fighting cannot be ignored. He further submits that from perusal of the FIR, there is bona fide land dispute between the parties and in cases of land dispute, facts are generally exaggerated to make the offence graver. In the light of aforesaid facts and circumstances of the case, petitioner deserves anticipatory bail.

5. Learned counsel for the informant and the learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioner.



6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sharan at Chapra in connection with Janta Bazar P.S. Case No. 173 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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