

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35223 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- ALOULI District- Khagaria

Pankaj Kumar S/O Vijay Yadav Village- Baluahi, PS- Alauli, District-
Khagaria Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34653 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- ALOULI District- Khagaria

1. Roushan Kumar Son of Ramchandra Mahto Resident of village - Baluahi,
P.S.- Alauli, District - Khagaria.
2. Bhushan Kumar Son of Ramchandra Mahto Resident of village - Baluahi,
P.S.- Alauli, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35223 of 2025)

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 34653 of 2025)

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 27-05-2025 Both Cr. Misc. applications have arisen out of the

same occurrence and as such they have been heard together and

are being disposed of by passing this common order.

2. Heard learned counsel for the petitioners and
learned APP for the State.

3. The petitioners have preferred this application for
grant of regular bail in connection with Alauli P.S. Case No. 161
of 2024 registered for the offences punishable under Sections



147, 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per the prosecution story, the informant has alleged that on 28.04.2024, Pankaj Kumar (petitioner) and Pintu Kumar pointed pistol on the son of the informant. One Rahul Kumar informed the cousin of informant about the occurrence. Then informant and other villagers went at the place of occurrence where, accused persons assaulted the informant and others. Pankaj Kumar (petitioner) caught the informant and Pintu Kumar assaulted him by means of iron rod on his head with intention to kill which caused him head injuries. Other co-accused assaulted the son of the informant by means of lathi. It is further alleged that Ranjit Mahto and Amit Kumar assaulted the nephew of informant by means of lathi and snatched the golden chakti. One Ganesh Yadav made two air firing from his pistol and two air firing was made from the pistol of petitioner – Pankaj Kumar. On 29.04.2024, near Sonu Dhaba all the F.I.R. named accused persons surrounded the informant and his son and assaulted them by means of lathi and country made pistol and also snatched the motorcycle of informant.

5. Learned counsel for the petitioners submit that the petitioners are innocent and has falsely been implicated in this



case. The informant and others have demanded motorcycle by force from the petitioner but the petitioner refused to give the motorcycle, due to which the alleged occurrence took place. The falsity of the case would appear from the fact that according to the F.I.R., the alleged occurrence took place on 28-29/04/2024 at about 06:00-07:30 PM but the informant has filed the present F.I.R. after two days of the alleged occurrence on 01.05.2024 at about 03:30 PM and regarding the aforesaid inordinate delay in filing the F.I.R., no explanation has been given by the informant. Learned counsel further submits that there is case and counter case between both the parties and they belong to same village. After completion of investigation, chargesheet has been submitted by the police in this case. Petitioners have got no criminal antecedent and they are in judicial custody since 04.03.2025.

6. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners.

7. Keeping in view the aforesaid facts and considering the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in



connection with Alauli P.S. Case No. 161 of 2024 subject to the following conditions :-

- (i). Petitioners will remain physically present in trial on each and every date till the disposal of the case failing which, on two consecutive dates without reasonable cause, the bail bond of the petitioner may be cancelled by the Trial Court.
- (ii). One of the bailor shall be his family member.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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