

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38053 of 2025

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

Jitendra Kumar Pandey S/o Ram Ekbal Pandey Resident of Village- Senduar
(Pandey Tola), P.S -Janta Bazar, Dist- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Advocate.
For the Opposite Party/s	:	Mr.Tapeshwar Sharma, APP.
For the Informant	:	Mr. Arvind Kumar, Advocate.
		Mr. Jitendra Sagar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-07-2025 Heard learned counsel appearing on behalf of 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 and 3(5) of B.N.S.

3. As per the allegation made in the F.I.R., petitioner along with other co-accused is said to have assaulted the daughter of the informant by means of ‘kudal’ causing head injury.

4. Learned counsel appearing on behalf of the petitioner submitted that the 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 daughter of the informant 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 four 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 District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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