

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42497 of 2025

Arising Out of PS. Case No.-101 Year-2023 Thana- SOHSARAI District- Nalanda

1. Prof. Pankaj Pandey @ Pankaj Jha @ Pankaj Pandey S/O Vijay Kumar Pandey Resident of Mohalla- Khashganj, P.S.- Sohsarai, Distt-Nalanda
2. Dhiraj @ Billa @ Tejaswi Shastri S/O Vijay Kumar Pandey Resident of Mohalla- Khashganj, P.S.- Sohsarai, Distt-Nalanda
3. Chhotu @ Bhanu @ Kunal Mishra S/O Govind Mishra Resident of Mohalla- Khashganj, P.S.- Sohsarai, Distt-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-07-2025 Heard Mr. Rabindra Prasad Singh, learned counsel
for the petitioners and Mr. Anil Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sohsarai P.S. Case No. 101 of 2023, F.I.R. dated 01.04.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 506, 353, 307 and 153A of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, more than 150 persons including these petitioners of two different communities were pelting stones upon each other and started firing.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. are false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. Although petitioners are named in the FIR and it appears from the FIR that there is no specific allegation of assault or firing against these petitioners rather there is general and omnibus allegation against 19 known and 140-150 unknown persons. He further submits that the similarly situated co-accused, namely, Sujit Sao @ Sujit Kumar and another have been granted anticipatory bail by this Court vide order dated 12.05.2025 passed in Cr. Misc. No. 28902 of 2025 and another co-accused, namely, Lala Pandey @ Saurabh Kumar Shastri has been granted anticipatory bail by this Court vide order dated 16.07.2025 passed in Cr. Misc. No. 41915 of 2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners carries one criminal antecedent each other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in the pending matter.



6. Considering the aforesaid facts and circumstances that there is no specific allegation against these petitioners and similarly situated co-accused persons have been granted bail by this Court, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No. 101 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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