

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41384 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- BELAGANJ District- Gaya

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Pankaj Kumar @ Pankaj Yadav S/o Lakhan Yadav R/o Village- Molvichak,
P.S.- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Belaganj P.S. Case No. 105 of 2025 registered for the alleged offences under Sections 126(2), 115(2), 303(2), 109(1), 74, 118(1) and 3(5) of B.N.S.

3. As per prosecution case, the petitioner and other co-accused persons armed with sharp weapon came to the house of the informant and assaulted him and when the informant raised alarm, the son and sisters of the informant came for his rescue. The petitioner gave an axe blow to the son of the informant causing fracture on his head. The sisters of the informant were also assaulted by other co-accused persons and co-accused Satendra Yadav snatched gold earring from one of



the sisters.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is case and counter case and from the petitioner side Vimla Devi has lodged Belaganj P.S. Case No. 106 of 2025 against the informant of this case and others. Learned counsel further submits that the specific allegation against the petitioner is that he gave an axe blow to the son of the informant but injury report of the victim falsifies the allegation as only a lacerated wound was found on the right parietal region with bodyache and the said injury is stated to be caused by hard blunt object. Moreover, the injury is simple in nature. Learned counsel further submits that though there is allegation of assault by sharp weapon even against other co-accused persons but all the injury reports of the victims show assault was caused by hard blunt object. Taking this fact along with first information report lodged by the petitioner side, it is apparent that the informant has tried to rope in the members of petitioner side with specific allegation. There is a boundary dispute between the parties and both side entered into altercation and lodged FIR against each other and only minor injuries were received by the victims. All the injuries are simple and superficial injury. The petitioner is in



custody since 29.04.2025 and charge sheet has been submitted. Learned counsel further submits that in the rejection order of learned Additional Sessions Judge it has been wrongly mentioned that the petitioner is having antecedent of one case but the petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the absence of the injury on the victim allegedly caused by the petitioner and also considering the period of custody of the petitioner, submission of charge sheet and his clean antecedent, the petitioner above named is directed to 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, Gaya/concerned Court in connection with Belaganj P.S. Case No. 105 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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