

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42146 of 2025

Arising Out of PS. Case No.-14 Year-2024 Thana- Kharagpur District- Munger

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Birbal Pandit @ Virendra Pandit @ Birendra Pandit Son of Vinod Pandit @
Binod Pandit Village- Mazagai, Majhgai, P.S. -Haveli Kharagpur (Shampur
O.P.), District -Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 10-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Kharagpur P.S. Case No. 14 of 2024 instituted for the offence
under Sections 341, 323, 147, 307, 504 & 506 of the Indian
Penal Code. Anticipatory bail of the petitioner was rejected vide
order dated 31-01-2025, passed in Cr. Misc. No. 78757 of 2024.

3. The prosecution case, in short, is that on
09.01.2024, during a *shraddh* ceremony, the petitioner along
with 18 others forcefully entered the house of the informant and
assaulted her husband and others with fists, *lathi*, rod, and pistol
butt. Multiple family members, including the informant, were
injured while trying to intervene. The motive behind the assault



was allegedly her refusal to withdraw a kidnapping case filed against the accused.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25-03-2025. Petitioner bears one criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that there is delay of four days in lodging the FIR. So far as motive of assault which was allegedly refusal of informant to withdraw a kidnapping case is concerned, it is submitted that victim girl at her own volition married with one co-accused, namely, Daroga Pandit and they are blessed with a child. There is case and counter case between the parties. Parties are close door neighbours. Learned counsel for the petitioner submits that injured have sustained simple injury, except one Gautam Pandit, who allegedly sustained grievous injury, but the same is attributed to co-accused, namely, Kapildev Pandit. Charge sheet is submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being case and counter case between the parties and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Kharagpur P.S. Case No. 14 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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