

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44873 of 2025

Arising Out of PS. Case No.-411 Year-2024 Thana- BIHARIGANJ District- Madhepura

Sanjay Pathak S/o Late Krishna Kant Pathak R/o Village-Madhukar Chak
Ward No.01, P.S-Bihariganj, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2025 Heard Mr. Manoj Kumar Jha, learned counsel for the
petitioner and Mr. Sanjay Kumar Singh, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Bihariganj P.S. Case No. 411 of 2024, F.I.R. dated 15.12.2024
for the offences punishable under Sections 115(2), 118(1), 126(2),
74, 109, 352, 3(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, it is alleged that the
petitioner along with other co-accused persons have assaulted the
informant and his family members by means of *farsa*, iron rod and
lathi.

4. Learned counsel for the petitioner submits that petitioner
has clean antecedent and he has falsely been implicated in the present
case. It appears from the FIR that the informant is full blood brother
of the petitioner and due to admitted land dispute the present



occurrence has taken place and there is case and counter case between the parties. Although the petitioner is named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act against the petitioner rather specific allegation of assault is attributed against co-accused person, namely, Onkar Nath Pathak @ Bittu, who happens to be the son of the petitioner and other co-accused, namely Kanchan Devi, who happens to be the wife of the petitioner has been granted the privilege of anticipatory bail by the learned Court below vide order dated 29.03.2025 in A.B.P. No. 89 of 2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and the petitioner has clean antecedent and there is case and counter case between the parties and one of the co-accused person has been granted the privilege of anticipatory bail by the learned Court below, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Udakishunganj in connection with Bihariganj P.S. Case No. 411 of 2024, 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. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond 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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