

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45391 of 2025

Arising Out of PS. Case No.-112 Year-2024 Thana- MAHISHI District- Saharsa

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1. Kishore Pathak @ Kisharo Pathak S/O Late Thithar Pathak R/O Village- Mahishi, Ward No. 07, P.S- Mahishi, Distt.- Saharsa.
 2. Omji Pathak @ Omji Kumar Pathak @ Omji Kumar S/O Kishore Pathak R/O Village- Mahishi, Ward No. 07, P.S- Mahishi, Distt.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-08-2025 Heard Mr. Pramod Mishra, learned counsel for the petitioners as well as Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mahishi P.S. Case No. 112 of 2024, F.I.R. dated 23.04.2024 for the offences punishable under Sections 427, 429, 436, 504, 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners along with other co-accused persons is said to have set the house of the informant on fire due to which his house, two cows, two calves, some buffaloes, rice, wheat and other items got burnt.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that there is no specific allegation attributed against the petitioners in the FIR and similarly situated co-accused persons, namely, Ajit Pathak @ Ajit Kumar Pathak and Lal Bahadur Pathak @ Keshav Kumar Pathak who happens to be the sons of co-accused, namely, Anil Pathak have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 09.07.2025 passed in Cr. Misc. No. 42362 of 2025 and it is stated in the FIR that the main culprit is Anil Pathak, who is under judicial custody.

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

6. Considering the aforesaid facts and circumstances, the petitioners have clean antecedent, there is no specific allegation attributed against the petitioners in the FIR, similarly situated co-accused persons have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court and the main culprit is behind the bar, let the petitioners, above named, in the event of their 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 C.J.M., Saharsa in connection with Mahishi P.S. Case No. 112 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 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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