

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49488 of 2025

Arising Out of PS. Case No.-65 Year-2025 Thana- DUMARIAGHAT District- East
Champaran

Vashishth Pandey S/o Late Chandrika Pandey R/o Village- Rampur
Kharjuriya, P.S.- Dumariyaghat, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhishek Kumar Mr. Hemant Ray
For the Opposite Party/s :	Mr. Binod Kumar- A.P.P. Mr. Madhurendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2025 1. Heard learned counsel for the petitioner, learned APP
for the State and the learned counsel appearing on behalf of the
informant.

2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Sections
191(2), 190, 352, 351(2), 126(2), 115(2), 118(1), 109(1), 117(2),
303(2), 74 of the B.N.S.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the informant
alleges that 13.03.2025 at about 10.30 P.M., all the accused
persons including the petitioner came at the door of the informant
and started abusing and caught his son Abhishek Pandey. Further,
on orders of Vashishth Pandey, accused Satyendra Pandey
assaulted Abhishek Pandey by farsa causing injury, thereafter
Satish Pandey assaulted Rajiv Pandey by farsa on head causing



injury. Further, Vijay Pandey, Tej Narayan Pandey, Raj Kumar Pandey, Chhotu Pandey assaulted Rupesh Pandey with farsa causing injury. Further, Rani Kumari, Puja Kumari, Anjali Kumari, Om Kumari Devi, Nirmala Devi and Manorma Devi caught the informant and assaulted with iron rod causing fracture of right hand.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of assault is against Satyendra, Satish and Vijay, but then, the injury suffered by Rajiv and Rupesh Pandey is simple in nature. It is next submitted that injury suffered by Abhishek Pandey on account of assault by Satyendra is opined to be grievous along with the injuries of the informant, but then, it is submitted that no specific allegation is alleged in the FIR with regard to assault on the informant rather the entire female members of the family have been implicated with an allegation that they caught the informant and assaulted him causing grievous injury. It is further submitted that an altercation took place on account of dispute relating to pathway and the FIR also came to be instituted after a delay of two days as the date of occurrence is 13.03.2025 and the FIR was instituted on 15.03.2025.



5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that petitioner is not alleged to have assaulted the injured and has been implicated as an order giver.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Dumariyaghat P. S. Case No.65 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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