

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.48802 of 2025

Arising Out of PS. Case No.-421 Year-2022 Thana- KATEYA District- Gopalganj

1. Brij Bhushan Pandey @ Braj Bhushan Pandey S/O Late Singaraman Pandey Village- Jaisauli, P.S.- Kateya, District- Gopalganj
2. Anand Giri S/O Tuna Parbat Village- Malpur, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-08-2025
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Kateya Police Station Case No. 421 of 2022, dated 14.09.2022, disclosing offences under Sections 336/338/307/34 of the Indian Penal Code.
 3. The prosecution case, as per the First Information Report, is that on 26.04.2021, the petitioners came to the



informant's house on tractor loaded with straw, which was purchased by the informant. While unloading, the trolley's cylinder broke and oil leaked. Petitioner no. 2, who was driving the tractor, asked the informant to hold the cylinder and when he refused, the petitioners pressurized him to do it. While the informant was holding the cylinder, petitioner no. 2 started the tractor due to which the trolley fell and the informant's left hand got trapped in the cylinder. The informant was freed by the help of locals. Thereafter, the petitioner no. 1 assured to bear treatment costs. The informant was treated at several hospitals and the petitioner no. 1, on 27.04.2021, left the hospital on pretext of arranging money. During course of the treatment informant's left hand was amputated up to the elbow and costs were borne by his family members by taking loan of a sum of Rs. 1,80,000/-. On 19.05.2021, when the informant reached for payment to the petitioner no. 1, which he refused to pay despite promise.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in the present case in order to extort money. There is inordinate



delay of about more than 04 months in lodging of the FIR inasmuch as the occurrence took place on 26.04.2022, whereas, the First Information Report has been lodged on 14.09.2022 i.e. much after the date of discharge of the informant i.e. on 11.05.2022 from the hospital. He next submits that there is general and omnibus allegation against the petitioners.

5. Having regard to the submissions made on behalf of the parties and taking into consideration nature of allegation and the fact that there is delay of about 04 months in lodging the FIR, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 learned Additional Chief Judicial Magistrate VI, Gopalganj, in connection with Kateya Police Station Case No. 421 of 2022, subject to the condition laid down under Section 438 (2) of the



Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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