

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50602 of 2025

Arising Out of PS. Case No.-115 Year-2025 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

=====

Tinku Pathak @ Bimlesh Pathak @ Vimlesh Pathak S/O Ghanshyam Pathak
Resident of Village- Sindhi, P.S- Bhagwanpur, District- Kaimur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shashi Kant, Adv.

For the State : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bhagwanpur P.S. Case No. 115 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2), 3(5) of BNS and Section 27 of the Arms Act.

3. As per prosecution case, on the recommendation of co-accused Ishwar Dubey, the informant lent Rs. 54,000/- to co-accused Sintu Pathak three months ago and when informant demanded the said money back, he adopted delaying tactics on one pretext or other. It is alleged that on 02.05.2025, co-accused Sintu Pathak came to the house of informant and when informant demanded his money back, hot altercation took place



and informant's brother was assaulted by co-accused Sintu Pathak. It is further alleged that on 05.05.2025, the informant had gone to Village Bahuri to attend a marriage ceremony where co-accused Abhay Pandey came there and invited him in Sundari temple for payment of debt amount upon which the informant along with others went there and saw co-accused Ishwar Dubey, Prabhu Dubey, Sintu Pathak, Tinku Pathak (petitioner) and 4-5 unknown persons present there in drunken state. When the informant demanded money, co-accused Sintu Pathak fired from single barrel gun which hit on the abdomen of the informant and co-accused Ishwar Dubey fired on the chest of Anshu Yadav. Thereafter all the accused persons fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case just because he is brother of co-accused Sintu Pathak. Petitioner bears criminal antecedent of one case in which he is on bail. He further submits that there is no specific overt-act against the petitioner. Specific allegation of firing is against co-accused Sintu Pathak and Ishwar Dubey. Petitioner is only member of mob. Petitioner has nothing to do with the alleged occurrence. In the light of aforesaid facts and circumstances of the case, no



offence, as alleged in the FIR is made out against the petitioner.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is named in the FIR and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, there is no specific allegation of firing against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Kaimur at Bhabhua in connection with Bhagwanpur P.S. Case No. 115 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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