

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52362 of 2025

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

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Tez Narayan Pandey S/o Vijay pandey Resident of Village- Rampur
Kharjuriya, P.S.- Dumariyaghat, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
		Mr. Hemant Ray
For the Opposite Party/s :		Ms. Anita Kumari
		Mr. Madhurendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-09-2025 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 has antecedent of two cases, but then, they are
under minor sections of the I.P.C. It is next submitted that the
informant alleges that on 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 Vasshitha Pandey, accused Satyendra Pandey assaulted Abhishek by farsa causing injury. Thereafter, Satish Pandey assaulted Rajiv by farsa on head causing injury, thereafter Vijay, petitioner, Raj Kumar and Chhotu assaulted Rupesh with farsa causing injury. It is next alleged that Rani, Puja, Anjali, Om Kumari, Nirmala and Manorma 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 assaulting Abhishek is against Satyendra. Further, Satish and Vijay are also alleged to have assaulted Rajiv and Rupesh, but then, injury suffered by Rajiv and Rupesh has been opined to be simple in nature. It is fairly submitted that injury suffered by Abhishek on account of assault by Satyendra has been opined to be grievous along with the injuries of the informant, but then, no specific allegation of assault is alleged against the petitioner and 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



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. The learned counsel appearing on behalf of the informant submits that the process under Section 82 Cr.P.C. has been issued against the petitioner on 13.08.2025, but then, is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that no specific allegation of assault is alleged against the petitioner.

6. The learned counsel appearing on behalf of the petitioner rebuts the submission of the learned counsel appearing on behalf of the informant and submits that petitioner was not absconding rather was availing his remedy available in law. It is next submitted that petitioner had approached the learned District Court by filing A.B.P. No.2003 of 2025 and the same came to be rejected by an order dated 10.06.2025, thereafter the petitioner moved before this Court seeking anticipatory bail by filing the instant anticipatory bail application on 17.07.2025 and during pendency of the



anticipatory bail application process under Section 82 Cr.P.C. Came to be issued on 13.08.2025. It is also submitted that process under Section 82 Cr.P.C. is issued not to aid the police in investigation but to ensure the presence of the accused before the Court. It is next submitted that in majority of the cases the police in mechanical manner seeks process under Section 82 Cr.P.C. and the learned Magistrate sluggishly allows without applying judicial mind.

7. 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 anticipatory 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.

8. The application stands allowed.

(Satyavrat Verma, J)

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