

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62486 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- MIRGANJ District- Gopalganj

1. Brij Pandey @ Brijkishore Pandey

2. Umesh Pandey
Both sons of Late Kishun Dutt Pandey

3. Mukesh Pandey

4. Ranjan Pandey
Both Sons of S/o Umesh Pandey.
All are R/o Village- Badeya, P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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18-01-2025

Learned counsel for the petitioners seeks permission to withdraw this anticipatory bail application with respect to petitioner No.1, namely, Brij Pandey @ Brijkishore Pandey.

2. Permission is accorded.

3. Accordingly, this anticipatory bail application stands dismissed as withdrawn with respect to petitioner No.1, namely, Brij Pandey @ Brijkishore Pandey.

4. Heard Mr.Vikash Kumar Shukla, learned counsel for petitioner Nos.2 to 4 and Mr.Yogendra Kumar, learned Additional Public Prosecutor for the State.

5. The petitioners are apprehending their arrest in



connection with Mirganj P.S.Case No.125 of 2024, FIR dated 03.04.2024 registered for the offences punishable under Sections 341,323,307,504,379,34 of the Indian Penal Code.

6. According to prosecution case, when the informant prevented them from abusing then accused persons namely Brij Pandey, Umesh Pandey , Mukesh Pandey and Ranjan Pandey conspired and Brij Pandey assaulted on the head of the informant by means of iron rod with intention to kill and all other accused persons assaulted by means of lathi, danda over the informant's hand, legs and on whole body, due to which the informant became unconscious.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. There is case and counter case. Although the petitioners are named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation or assault or overt-act against the petitioners rather there is specific allegation of assault is against co-accused person, namely, Brij Pandey @ Brijkishore Pandey.

8. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.



9. Considering the aforesaid facts, petitioners have clean antecedent, there is case and counter case and there is no specific allegation against the petitioners, let petitioner Nos.2 to 4, 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 learned Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No.125 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 antecedents, 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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