

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58566 of 2025

Arising Out of PS. Case No.-125 Year-2025 Thana- KALYANPUR District- East Champaran

1. Kundan Kumar @ Kundan Pathak Son of Pramod kumar pathak @ Pramod Pathak R/o Village - Koyala belwa, P.S. -Chakia, Dist. - East Champaran.
2. Malti Priya @ Malti Devi W/o Pramod Kumar Pathak @ Pramod Pathak R/o Village - Koyala belwa, P.S. - Chakia, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kant

For the Opposite Party/s : Mrs. Rita Verma

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-08-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehends their arrest in connection with Kalyanpur P.S. Case No. 125 of 2025 registered for the offences under Sections 127(2) / 115(2) /118(1) /76/ 109/ 303(2) / 351 (2) /352/3(5) of the B.N.S.

3. As per the prosecution case, the informant has alleged that the named accused persons including the petitioners came at the informant house variously armed and started assaulting. It is alleged that Shiv Vinay Pandey attacked with sword on the head of the informant causing sharp cut injury on the head. It is further alleged that Ritik Kumar assaulted with



iron rod while the petitioner no. 1 attacked the son of the informant (Bipul Kumar) with iron rod while the petitioner no. 2 is said to have snatched ear rings, gold bangles etc.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in the instant case. From bare perusal of the F.I.R., it is evident that there is no any specific allegation as alleged against the petitioners causing injury to the informant. As far as, allegation levelled against the petitioner no. 1 is concerned the injuries found on the son of the informant are simple. It is further submitted that there is long standing land dispute between the parties and there is also a partition suit pending between the parties before the learned Sub Judge, Motihari. It has further been submitted that one case is also lodged against the informant side as Kalyanpur P.S. Case No. 141 of 2025. It is lastly been submitted that petitioners carry clean antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail and stated that the petitioners and others have tried to set the house on fire by sprinkling petrol and thereafter they have connived together and assaulted the informant as well as other family members causing grievous injury to the



informant.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending /successor court in connection with Kalyanpur P.S. Case No. 125 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioners will be his close relative.

(ii) The petitioners will remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to



move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners has concealed his criminal antecedent, 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 the same or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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