

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60351 of 2025**

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

Shiv Vinay Pandey S/O Rampukar Pandey R/O Hanuman Nagar Mirchaiya,  
P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

## Versus

## The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mukesh Kant, Adv.  
Mr. Manish Kumar, Adv.  
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      16-09-2025                      1. Heard learned counsel for the petitioner, learned  
A.P.P. for the State and the learned counsel appearing on behalf  
of the informant, Mr. Dhannjay Kumar No. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 127(2), 115(2), 118(1), 76, 109, 303(2), 351(2), 352 and 3(5) of the BNS, 2023.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that her agnates named in the FIR along with petitioner came and started breaking the door, accordingly she came out and forbade them from breaking the door, on which Khushboo ordered to set her ablaze by sprinkling petrol, accordingly,



Rithik brought petrol and petitioner assaulted her by sword causing injury on head, thereafter Khushboo also assaulted by sword causing second injury on head, and Rithik assaulted by rod causing injury on leg, further Pramod assaulted Ram Vinay by sword causing injury on hand and leg, thereafter, Rithik and Kundan assaulted Vipul by rod causing injury and petitioner tore her blouse while Khushboo and Malti took away her earring and bangles.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner and informant's husband are own brothers are having dispute relating to land. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that she was assaulted by petitioner by sword on head and thereafter Khushboo also assaulted her on head causing second injury, but then from perusal of the injury report, it would manifest that informant suffered only one injury on head, which has been opined to be grievous. It is next submitted that the date of occurrence is 01.04.2025 and the FIR came to be instituted on 05.04.2025 i.e. after a delay of four days. It is next submitted that had the injured suffered injury in the manner as alleged, in that event, the hospital would have informed the police station



about the occurrence, but then the FIR has been instituted based on a written application of the informant. It is next submitted that after the injury report was prepared, thereafter the FIR was instituted alleging with precision that who assaulted whom and where. It is further submitted that Khushboo was taken in judicial custody who is alleged to have assaulted the informant by sword causing injury on head which has been opined to be grievous, but subsequently she was released on regular bail. It is thus submitted that when there is only one injury on head of the informant and two persons are alleged to have assaulted and one person has already suffered incarceration, whether it would be prudent for the Court to send the petitioner to jail.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that informant suffered only one injury on head which has been opined to be grievous, but then allegation of assault is against petitioner and Khushboo and Khushboo was arrested, but subsequently was granted the privilege of regular bail.

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court 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 482 (2) of BNSS.

**7. Accordingly, the instant anticipatory bail application stands allowed.**

**(Satyavrat Verma, J)**

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