

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61338 of 2025

Arising Out of PS. Case No.-2742 Year-2024 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Manoj Pandey @ Manoj Kumar Pandey, aged about 41 years, Gender-Male, son of Kameshwar Pandey
 2. Brijesh Pandey, aged about 28 years, Gender- Male, son of Brindra Pandey
 3. Munna Pandey, aged about 31 years, Gender- Male, son of Brindra Pandey
 4. Mantu Pandey, aged about 26 years, Gender- Male, son of Janadhan Pandey
 5. Yogendra Pandey, aged about 51 years, Gender- Male, son of Chaturi Pandey
- All are resident of Village- Najirganj, P.S.- Janta Bazar, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vidhyapati Devi W/O Birendra Pandey R/O Vill.- Najirganj, P.S.- Janta Bazar, Dist.- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary, Advocate
For the O.P. No. 2	:	Mr. Kamlesh Kumar, Advocate
For the State	:	Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-09-2025 Heard Mr. Dhananjay Kumar Tiwary, learned counsel appearing on behalf of the petitioners; Mr. Kamlesh Kumar, learned counsel for the opposite party no. 2 and Mr. Vinod Shanker Modi, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Complaint Case No. 2742 of 2024, registered for the offence punishable under Sections 126(2), 118(1), 76, 109(1) and 3(5) of the B.N.S.



3. As per the allegation made in the complaint, petitioners along with other accused persons, had assaulted the complainant and her son causing injury and had also tried to outrage the modesty of her daughter-in-law.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. He further submitted that arising out of the incidence, which was occurred on 04.09.2024, the complainant had lodged FIR being Janta Bazar P.S. Case No. 181 of 2024 in which petitioner is on bail granted by the learned District Court and after lapse of one month, the complainant has filed the present complaint before the learned Chief Judicial Magistrate for the same incidence. He further submitted that in connection with the same incidence, law don't permit for two prosecutions. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. *Per contra*, Mr. Kamlesh Kumar, learned counsel appearing on behalf of the complainant submitted that petitioners, with a common intention, had assaulted the complainant and her son and had tried to outrage the modesty of her daughter-in-law and has vehemently opposed the prayer for



grant of bail to the petitioners.

6. Learned APP for the State also vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, considering the information that the petitioners have already been granted bail by the learned District Court in Janta Bazar P.S. Case No. 181 of 2024, which was lodged for the same incidence for which the present complaint has been filed. The petitioners cannot face two prosecutions for the same incidence. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending, in connection with Complaint Case No. 2742 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify



the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

10. The present bail application stands disposed of.

(Purnendu Singh, J)

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