

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66908 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- KATEYA District- Gopalganj

1. Satyam Kumar Pandey @ Satyam Pandey S/O Suraj Pandey R/O Vill.- Neuri, P.S.- Kateya, Dist.- Gopalganj
2. Abhay Pandey S/O Dhirendra Pandey R/O Vill.- Neuri, P.S.- Kateya, Dist.- Gopalganj
3. Luv Pandey @ Law Pandey S/O Bishwanath Pandey @ Vinshwanath Pandey R/O Vill.- Neuri, P.S.- Kateya, Dist.- Gopalganj
4. Siwam Kumar Pandey @ Shivam Pandey S/O Dhirendra Pandey R/O Vill.- Neuri, P.S.- Kateya, Dist.- Gopalganj
5. Rahul Pandey S/O Bishwanath Pandey R/O Vill.- Neuri, P.S.- Kateya, Dist.- Gopalganj
6. Kusha Pandey @ Kush Pandey S/O Bishwanath Pandey @ Vinshwanath Pandey R/O Vill.- Neuri, P.S.- Kateya, Dist.- Gopalganj
7. Guddu Pandey @ Dharmbir Pandey S/O Bishwanath Pandey @ Vinshwanath Pandey R/O Vill.- Neuri, P.S.- Kateya, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-09-2025 Heard the learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kateya P.S. Case No. 51 of 2025 for the offences punishable under Sections 126(2), 115(2), 109(1), 324 (4), 352, 351(1), 3(5) of the B.N.S, 2023.

3. According to prosecution case, on 31.01.2025 at



about 8:00 p.m., when informant Pradeep Pandey reached his home, his relatives (petitioners) followed him armed with iron rods, lathis, and dandas, and started abusing him. When he resisted, Siwam Pandey assaulted him on the head with an iron rod. On seeing this, his nephew Kishan Kumar Pandey came to his rescue but was caught by Luv Pandey, after which Kush Pandey beat him with a lathi on his back and waist. Similarly, when his brother Bablu Pandey intervened, he was caught by Abhay Pandey and assaulted with a lathi by Guddu Pandey on his hand and chest. Further, when his son Vikas Pandey called a vehicle to take them to the hospital, Suraj Pandey attacked him with a danda on his back and arms and also broke the side mirror of the vehicle. The dispute is stated to have arisen over digging of land near the door of Shambhu Pandey.

4. Learned counsel for the petitioners submits that the informant party are close agnates of these petitioners and there is already a subsisting case and counter case in which these petitioners have also been implicated and in some cases, the acquittal has already been recorded with respect to one of the petitioners.

5. Learned counsel for the petitioners, by taking this Court to paragraph 6, has tried to impress upon the allegations



which is levelled against these petitioners which would go to show that from the contents of the F.I.R., there is no allegation of assault or overt act against petitioner No.1 while petitioner Nos.2 and 3, the only allegation is that they caught Babloo Pandey and Kishan Pandey respectively and similarly petitioner No.4, namely, Siwam Kumar Pandey, is said to have assaulted Pradeep by means of an iron rod but the injury sustained is simple in nature. The allegation against petitioner No.5 is that he threatened the informant with a gun and the allegation with respect to petitioner No.6 is that he assaulted Kishan Kumar Pandey by means of a lathi on his waist but the injury sustained is simple in nature and the allegation against petitioner No.7, namely, Guddu Pandey, is that he assaulted Babloo by means of lathi on his chest and hand but the injury sustained is also simple in nature.

6. It has next been submitted that father of petitioner Nos.2 and 4 is said to have lodged the F.I.R. against the informant, being Kateya P.S. Case No.65 of 2025 for the offences punishable under Sections 126(2), 115(2), 303(2), 351(2) and 3(5) of the B.N.S., 2023 and from the contents of the F.I.R., it would go to show that the petitioner's side has also received injury in the same occurrence. It has also been



submitted that some members / persons of the informant's side, who were involved in the present occurrence, have also been granted bail.

7. Learned APP for the State opposes the prayer for anticipatory bail application.

8. Considering the aforesaid facts that there is case and counter case and both the sides have received injuries and the injury being simple in nature, let the petitioners, above named, in the event of his/her 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Gopalganj, in connection with Kateya P.S. Case No. 51 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

ii) the petitioner(s) shall appear on each and every



date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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