

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63201 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- SHAMBHUGANJ District- Banka

1. Pratik Kumar Pandey @ Pratik Pandey S/O Siyaram Pandey R/O Village-Bharatshila, P.S.-Shambhuganj, Dist.-Banka.
2. Siyaram Pandey S/O Late Kashinath Pandey R/O Village-Bharatshila, P.S.-Shambhuganj, Dist.-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-12-2025 Heard Mr. Onkar Nath, learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Shambhuganj P.S Case No. 15 of 2025, (G.R. No. 153 of 2025 registered under sections 126(2), 115(2), 110, 303(2), 352, 351(2) and 3(5) of B.N.S lodged on 13.01.2025 by the informant, Ashok Kumar Pandey.

3. As per the prosecution story, the informant alleged that while he was talking with his cousin brother, the accused suddenly came and assaulted. While petitioner no. 1 caused injury on the head of the informant, the co-accused assaulted the cousin brother and also taken away the gold chain. This led to



the FIR.

4. Learned counsel for the petitioner submits that minor scuffle took place due to the construction of the road, exaggerated FIR has been lodged. There is counter version also by the petitioner's side, one of the injury has been found to be simple in nature while in other the opinion was reserved. The petitioners do not have criminal antecedent. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 3,000/- each (totalling Rs. 6,000/-) through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the assault was made on the head.

6. Considering the submissions of the parties, as also the fact that there is a case and counter case, one of the petitioner is 62 years old, both have no criminal antecedent, in



that background, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 3,000/- (totalling Rs. 6,000/-) to the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local branch of the State of India/any Nationalized Bank to be submitted to the Trial Court and to be handed over to the informant.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Banka in connection with Shambhuganj P.S Case No. 15 of 2025, (G.R. No. 153 of 2025) subject to the following conditions.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his bona fide.

(ii) the petitioners 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 their bail bond by the trial court itself;

(iii) the petitioners shall appear before the concerned



police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the court.

(iv) the petitioners 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.

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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