

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70729 of 2025

Arising Out of PS. Case No.-325 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

Shiv Kumar @ Shiv Kumar Pandit S/O Sugriv Pandit Resident of Village-
Patkhauliya, P.S.- Muffasil, Dist.- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar, Adv.
For the State	:	Mr. Nand Kishore Prasad, APP
For the O.P. No. 2	:	Mr. Prateek Tondon, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 325 of 2025 registered for the offence punishable under Sections 126(2), 115(2), 118(1), 117(2), 109, 352, 351(2), 3(5) of the BNS and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others armed with weapon came at the informant's house and assaulted the informant's son. When informant came to rescue, she was also assaulted. It is alleged that co-accused Sugriv Pandit assaulted the informant by means of fatta due to which informant's right hand got fractured and she also sustained



injury on the right hand. It is further alleged that on the exhortation of co-accused Sugriv Pandit, co-accused Raj Kumar Pandit fired upon the informant's son which hit on the testicle of informant's son.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel further submits that there is no specific overt-act of assault against the petitioner rather petitioner is merely a member of mob. Specific allegation of assault is against co-accused Sugriv Pandit and allegation of firing has been made against co-accused Raj Kumar Pandit. He further submits that the FIR clearly reflects that there is land dispute between the parties and in cases of land dispute, facts are generally exaggerated to make the offence graver. He further submits that FIR clearly indicates that role of petitioner is quite vague and he has been falsely implicated in the present case just because he is son of co-accused Sugriv Pandit. Apart from that, petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner and submitted that name of petitioner finds place in



the FIR and petitioner along with others have participated in the alleged occurrence and hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, there is no specific overt-act of assault against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil P.S. Case No. 325 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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