

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80280 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- BHAGWAN BAZAR District- Saran

1. Vivek Kumar @ Sintu @ Sintu Pandey S/o Kamlesh Pandey, R/o Village- Masumganj, Police Station- Bhagwan Bazar, District- Saran.
2. Nehal @ Nehal Pandey @ Nehal Kumar Pandey S/o Sanjeet Kumar Pandey, R/o Village- Chhota Brahampur Brahama Toli, Police Station- Bhagwan Bazar, District- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-12-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Bhagwan Bazar P.S. Case No. 76 of 2025 dated 11.02.2025, registered for the offences punishable under Sections 109, 126(2), 115(2), 118(1) and 352 read with Section 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioners and other co-accused persons came to the doors of the informant and hurling abuses, opened fire. When the son of the informant opposed, the co-accused persons caught hold of him and the petitioner no. 1 gave him a knife blow. When the informant tried to save him, he was also assaulted.



4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. There is case and counter version and father of petitioner no. 1 has earlier lodged Bhagwan Bazar P.S. Case No. 334 of 2024 under Sections 137(2) and 96 read with Section 3(5) of the B.N.S., 2023 for the abduction of his daughter against the informant and his son. Thereafter, mother of petitioner no. 1 has lodged Bhagwan Bazar P.S. Case No. 243 of 2025 under Section 115(2), 126, 109, 303(2), 351 and 352 read with Section 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act against the informant and his family members. Learned counsel further submits that initially the Doctor found the injury to be simple on victim Rajendra Kumar, but surprisingly in supplementary injury report, the injury was shown to be grievous. In any case, no offence under Section 109 of the B.N.S., 2023 is made out against the petitioner as there was no repetition of assault and no intention to cause death of any person. Due to enmity, the petitioners have been made accused in the present case. Learned counsel lastly submits that petitioners are having clean antecedent and they are in custody since 04.09.2025.

5. Learned A.P.P. appearing on behalf of the State opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the earlier lodged cases of the petitioners' side and further considering their period of custody, the petitioners, above-named, are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Saran at Chapra / concerned Court, in connection with **Bhagwan Bazar P.S. Case No. 76 of 2025**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.*
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial Court.*
- (iii) In case of non-appearance of the petitioners on single date or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.*

(Arun Kumar Jha, J)

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