

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82246 of 2025

Arising Out of PS. Case No.-762 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Nilu Pandit S/o Late Baidhnath Pandit R/O Village - Ward No .- 10
Banjariya Babu Tola, P.S- Banjariya, District - East Champaran
 2. Mukesh Pandit S/O Mahendra Pndit R/O Village - Ward No .- 10 Banjariya
Babu Tola, P.S- Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh

For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 02-12-2025 Heard learned Advocate for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Turkauliya (Banjariya) P.S. Case No. 762 of 2023
registered for the offences punishable under Sections 341, 147,
148, 323, 379, 324, 307 and 504.

3. The allegation against the petitioners is of causing
fersa and inflicting knife blow over the son of the informant due
to which he got serious head injuries. Besides the omnibus
nature of allegation, all the accused persons also assaulted the
informant and his family members.

4. Learned Advocate for the petitioners submitted that



the present case is nothing but a counter blast to Turkauliya P.S. (Banjariya) P.S. Case No. 754 of 2023 instituted against the informant and his family members. The entire prosecution case falls to the ground for the simple reason that the injuries sustained to the son of the informant do not corroborate to the allegation, inasmuch as the same is found to be simple in nature caused by hard and blunt substance. It is further contented that taking note of the aforesaid facts, the petitioners were accorded the privilege of Section 41A of Cr. P.C. However, later on the learned jurisdictional Court has taken cognizance for the offences alleged in the FIR, hence the petitioners again moved before the trial court for anticipatory bail. However, the same was rejected in the light of the decision rendered by the Hon'ble Apex Court in the case of ***G.R. Ananda Babu Versus State of Tamil Nadu and Another*** reported in ***2021 SCC Online S.C. 176***.

5. On the other hand, learned Advocate for the State vehemently opposed the bail and submits that there is specific allegation against the petitioners.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the factum of the case and counter case coupled with the



simple nature of injuries, besides the fact that the petitioners were extended the privilege of Section 41A of the Cr. P.C. and they have fair antecedent, let, the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No. 762 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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