

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4042 of 2025

Arising Out of PS. Case No.-469 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Kailash Pandit @ Kailash Padit S/o Shukdev Pandit @ Sukdev Pandit R/o Village- Hajpurwa, P.S.- Gautam Budh Nagar, District- Siwan
 2. Krishna Pandit S/o Shukdev Pandit @ Sukdev Pandit R/o Village- Hajpurwa, P.S.- Gautam Budh Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shambhu Prasad Yadav, Advocate
For the State	:	Md. Fahimuddin, APP
For the Informant	:	Mr. Ajay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Mr. Shambhu Prasad Yadav, learned counsel
for the petitioners, Mr. Ajay Kumar Tiwary, learned counsel for
the informant and Md. Fahimuddin, learned Additional Public
Prosecutor for the State.

2. After some arguments, learned counsel for the
petitioners seeks permission to withdraw this application with
respect to the petitioner no.1, namely, Kailash Pandit @ Kailash
Padit.

3. Permission is accorded.

4. Accordingly, the anticipatory bail application with
respect to petitioner no.1, namely, Kailash Pandit @ Kailash
Padit stands dismissed as withdrawn.



5. The petitioner no.2 is apprehending his arrest in connection with G.B. Nagar P.S. Case No. 469 of 2024, F.I.R. dated 11.09.2024 for the offences punishable under Sections 189(2), 126(2), 115(2), 117(2), 109, 74, 303(2), 352 and 351(1) of the B.N.S., 2023.

6. According to prosecution case, petitioner along with other co-accused persons has assaulted to the informant and her family members.

7. Learned counsel for the petitioner no.2 submits that petitioner no.2 has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the FIR that there is specific allegation of assault is against the co-accused person, namely, Kailash Pandit and there is no specific allegation of any assault or overt act attributed against the petitioner no.2, namely, Krishna Pandit.

8. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner no.2.

9. Considering the aforesaid facts that the petitioner no.2 has clean antecedent and there is no specific allegation of any assault or overt act against the petitioner no.2, let the



petitioner no.2, above named, in the event of 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 A.C.J.M.- IV, Siwan in connection with G.B. Nagar P.S. Case No. 469 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioner no.2 shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner no.2 tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner no.2 and in case at any stage it is found that the petitioner no.2 has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner no.2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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