

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38039 of 2026

Arising Out of PS. Case No.-38 Year-2026 Thana- PANDARAK District- Patna

Chandan Kumar Son of Krishan Singh R/O Vill- Bihari Bigha, P.S.-Pandarak,
Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anjali Kumari, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Pandarak P.S. Case No. 38 of 2026 lodged on 11.02.2026, for the offence punishable under Sections 126(2), 115(2) & 109(1) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against the sole petitioner. The informant has alleged that the assault has been made by scissor on the body of her husband and when she started making noise then the local people reached there, then the petitioner has been seen fleeing away. Thereafter, the husband of the informant was admitted to the Barh hospital from where, he was referred to the PMCH. Thereafter, the present FIR has been lodged.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that from the contents of FIR, it appears that the informant has seen the alleged occurrence and she is the eye-witness, but for the assault, she has not disclosed the name of the petitioner that he has assaulted her husband, rather, it is narrated by the informant that she has seen the petitioner fled away from the place of occurrence. Counsel further submits that the antecedent of the petitioner is clean and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that it is true that the informant is the eye-witness and if the FIR shall be read in entirety, then it shall transpire that it is the petitioner who has assaulted the victim by scissor.

6. Upon perusal of the FIR, it transpires to this Court that the informant is the eye-witness, but she has not disclosed that who has assaulted her husband by scissor. The informant is the eye-witness of the occurrence and saw that the petitioner was fleeing away from the place of occurrence.

7. As such, in the present facts and circumstances of this case, let the above named petitioner be released on bail, in



the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of ACJM-1, Barh, Patna, in connection with Pandarak P.S. Case No. 38 of 2026, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023 with further conditions:-

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear before the Trial Court on each and every scheduled date, and failure to do so for two consecutive dates without any plausible reason/explanation shall be resulted into cancellation of his bail bonds by the Trial Court itself;

(Dr. Anshuman, J)

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