IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56007 of 2026

CNR No. BRHC010784122026

Arising Out of PS. Case No.-59 Year-2026 Thana- ASANWA District- Siwan

==========

Vivek Pandey @ Bihari Pandey, S/o Vashishtha Pandey @ Bashishtha Narayan Pandey, Resident of Village - Pachbenia, P.S - Asaon, District - Siwan

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

==========

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

7 27-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Asaon/Assaw P.S. Case No. 59 of 2026, registered for the offence under Sections 126(2), 115(2), 118(1), 109(1), 352, 351(2), 308(5) & 3(5) of the BNS.

3. As per prosecution case, the petitioner and other co-accused persons came to the house of the informant and started assaulting his friend Aniket Goswami. When the informant came out, the petitioner fired upon him and the shot hit in the right knee of the informant. The occurrence took place in the background of demand of extortion money by the petitioner.

WEB COPY

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was beaten by the informant and his friend and the petitioner made a call to ‘Dial 112’ as the informant snatched his motorcycle. In order to create defence, the informant has instituted the instant FIR. Even from the contents of the FIR, there is no premeditation and the occurrence took place in the spur of moment. There is no repetition of firing and injury of the informant is on his right knee, which is not vital part of the body. The petitioner is in custody since 01.04.2026 and is having antecedents of six cases and he is on bail in all these cases. Charge sheet has been submitted.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner and submission of charge sheet against him and also considering the nature of injury sustained by the informant, the petitioner is 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

WEB COPY

amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan/concerned court, in connection with Asaow/Asaon P.S. Case No. 59 of 2026, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner 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 absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Pallavi/-

U		T	

WEB COPY