

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88312 of 2025

Arising Out of PS. Case No.-349 Year-2025 Thana- PAHARPUR District- East Champaran

Binjay Pandey Son of Late Thag pandey Resident of Village - Noneya
Sakaldipi Tola, Ward no. - 4, P.S. - Paharpur, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-01-2026 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and Mr. Ajay Kumar Singh, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
02.07.2025 in connection with Paharpur P.S. Case No. 349 of
2025, F.I.R. dated 28.06.2025 for the offences punishable under
Sections 190, 191(2), 126(2), 115(2), 118(1), 118(2), 109(1),
303(2), 352 of the B.N.S.

3. According to prosecution case, petitioner and other
co-accused persons are alleged to have surrounded the
informant and his brother and abused them on protest they took
the informant's brother on their door and petitioner gave a spade
blow on his head. Other co-accused persons also assaulted him



with garasi due to which he sustained injury on his right hand.

Petitioner also assaulted him with *farsa* on his back.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It appears from the F.I.R. itself that the petitioner and informant are *agnates* to each other and there is admitted land dispute between them. Although, the specific allegation against this petitioner is that he along with co-accused person Gulshan Kumar assaulted the informant's brother on his head and the petitioner again assaulted informant brother on his back. Learned counsel further submits that the occurrence had took place at the spur of the moment and there was no intention to kill anyone and in the background of land dispute, the present occurrence had taken place. He further submits that the police after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.07.2025.

5. Learned APP for the informant and learned APP for the State have vehemently opposed the prayer for bail of the petitioner and fairly submits that there is specific allegation against the petitioner in the F.I.R. and the injury report of the injured is grievous in nature.



6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and in the background of land dispute, the present occurrence had taken place, let the petitioner, above named, 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 Additional Chief Judicial Magistrate-IX, East Champaran, Motihari in connection with Paharpur P.S. Case No. 349 of 2025, with the following conditions:

i. Petitioner 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 her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

ii. If the petitioner 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 and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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