

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1447 of 2026

Arising Out of PS. Case No.-367 Year-2025 Thana- BUXAR MUFFSIL District- Buxar

1. Lakshman Pandey @ Lakshma Pandey @Mangaru Pandey S/O Late Rambadan Pandey
2. Om Nath Pandey @ Munna Pandey @ Omkar Nath Pandey S/O Lakshman Pandey @Lakshma Pandey @Mangaru Pandey.
3. Dipak Pandey @ Dipak Kumar Pandey S/O Lakshman Pandey @ Lakshma Pandey@ @Mangaru Pandey
4. Sri Kishun Pandey @ Vikash Pandey @ Srikrishna Pandey S/O Lakshman Pandey @Lakshma Pandey @Mangaru Pandey
All are R/O of Village- Chausa ,P.S. - Buxar Muffasil , District Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 21-04-2026 Heard Mr. Ravi Shankar Pathak, learned counsel appearing on behalf of the petitioners and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Buxar Muffasil P.S. Case No. 367/2025 registered for the offence(s) punishable under Sections 126(2), 115(2), 117(2), 109 and 3(5) of the BNS.

3. As per the allegation made in the FIR, the accused persons named therein including the petitioners with an intention to kill assaulted the informant and his family members,



causing injuries.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Petitioners and informant are own *Gotia*. There is case and counter case between the parties arising out of same incidence and due to a petty dispute, an altercation took place and both the sides entered into free fight, in which both the sides sustained injuries. Allegation against the petitioner no.1 is that he assaulted one Brajesh Pandey on his head by means of iron rod but no injury has been found on the body of the injured Brajesh Pandey. Allegation against the petitioner no.2 is that he assaulted the informant by means of *lathi* but the injury sustained by the informant has been found to be simple in nature. Allegation against the petitioner no.3 is that he assaulted Umesh Pandey on his head by means of back of *Garasa* but the injury sustained by him has also been found to be simple in nature. Allegation against the petitioner no.4 is that he assaulted Sujit Kumar by iron rod. Petitioners no.1, 2 and 3 have clean antecedents, whereas, the petitioner no.4 has two criminal antecedents under the Excise Act.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I find that the petitioners are alleged to be indulged in illicit sale of liquor, which was objected by the informant's side, as a result of which, the said occurrence took place. Both parties are *gotia*. There is case and counter case between the parties arising out of same incidence and due to a petty dispute, an altercation took place in which both the sides sustained grievous injuries. Specific allegation against the petitioner no.1 is that he assaulted one Brajesh Pandey on his head by means of iron rod but no injury has been found on the body of the injured Brajesh Pandey. Allegation against the petitioner no.2 is that he assaulted the informant by means of *lathi* but the injury sustained by the informant has been found to be simple in nature. Allegation against the petitioner no.3 is that he assaulted Umesh Pandey on his head by means of back of *Gadarsa* but the injury sustained by him has also been found to be simple in nature. Allegation against the petitioner no.4 is that he assaulted Sujit Kumar by iron rod. Petitioners no.1, 2 and 3 have clean antecedents, whereas, the petitioner no.4 has two criminal antecedents under the Excise Act.



7. In the facts and circumstances of the case and the fact that the petitioners no.1, 2 and 3 have clean antecedents, the **petitioners no.1, 2 and 3, above named, are directed to be released on pre-arrest bail**, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar / Concerned Court in connection with Buxar Muffasil P.S. Case No. 367/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners no.1, 2 and 3 and if it is found that the petitioners no.1, 2 and 3 are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

9. So far as petitioner no.4 is concerned, considering that against petitioner no.4 there are two cases under Section 30 A of the Bihar Prohibition and Excise Act, I am no inclined to grant pre-arrest bail to him, as the attending circumstances shows that free fight took place because



of objection made by the informant's side and conduct of the petitioner no.4 appears that he is engaged in illicit trade of liquor.

10. The Investigating Officer concerned is directed to forthwith take the petitioner no.4 into custody.

11. The bail application stands disposed of.

(Purnendu Singh, J)

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