

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III-CUM-
SPECIAL COURT M.P./M.L.A.
DISTRICT:-GOPALGANJ
Anticipatory Bail Petition No. 896 of 2026
(Arising out of Kuchaikote P.S. Case No. 161/2026)

Satish Pandey, S/o- Late Ramashish Pandey,

.....Petitioner

Versus

State of Bihar

.....Opposite Party

Ld. Counsel for the petitioner :-Shri Manan Kumar Mishra, Sr. Advocate
:- Shri Seikh Asgar, Advocate.
Ld. Counsel for the State :- Shri Deo Vansh Giri, P.P.
Ld. Counsel for the informant :- Shri Jitendra Singh, Sr. Advocate
:- Shri Rakesh Kumar Rai, Advocate
:- Shri Raj Kamal, Advocate

Order with signature of the Court

19-05-2026

1. The present anticipatory bail petition is preferred by above named petitioner, who is apprehending his arrest in connection with **Kuchaikote P.S. Case No. 161 of 2026, for the offences U/s.- 329(3), 308(4), 308(5), 109(1), 352, 351(2), 3/5 of the B.N.S. and 27 Arms Act Subsequently, on 18.4.2026 U/s. 111(3), 111(4) & 61(2) B.N.S.** was added in the F.I.R. is put up for hearing.
2. Heard, Sri Manan Kumar Mishra, Ld. Senior Counsel of Hon'ble Supreme Court, Delhi and Sri Seikh Asgar learned counsel, on behalf of the petitioner as well as Id. P.P., D.P.O. and S.D.P.O., Gopalganj for the State along with Sri Jitendra Singh, Ld. Senior Counsel of Hon'ble High Court, Patna, Id. Counsel Sri Raj Kamal and Sri Rakesh Rai for the informant.
3. The Prosecution case is in brief as stated by informant Jitendra Kumar Rai, is that informant is the authorized representative/ care taker of Smt. Kiran Sinha and he look after and manage her affairs. The agriculture land belonging to Kiran Sinha situated at Mouza-Belwa, P.S.-Kuchaikote, pertaining to Khata No. 38, Khesra No. 513, area measuring 16 acres and 93 decimals, wheat crops had been cultivated by him on behalf of Smt. Kiran Sinha, which are now ripe and ready for harvest. On 01.04.2026 at about 04:30 PM, he visited the aforesaid land on his motorcycle along with his assistant Ajit Kumar Singh, for inspection of the crop. At that time, (1) Bhola Pandey @ Rakesh Pandey arrived in a white Scorpio vehicle along

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with (2) Rahul Tiwari and five unknown persons. Additionally, six persons arrived separately on four motorcycles, among whom he can identify (3) Guddu Kumar (4) Deepak Kumar and (5) Nitish Kumar. All the aforesaid persons were armed with firearms. Upon seeing him and his assistant, Bhola Pandey threatened them and stated that “If they wanted to save their lives then they should ask their employer to hand over the land to them”. Thereafter, on the instructions of Bhola Pandey, the accused persons broke open the locks of all five rooms situated there and affixed their own new locks thereupon. Further, with intention to kill them, the accused persons opened fire from their firearms. Somehow, they managed to save their lives and immediately informed the police. Subsequently, the police reached the place of occurrence and apprehended one of the accused persons while committing the offence, whereas some other accused persons managed to flee away and Bhola Pandey appears in the list of land mafias published by the Superintendent of Police, Gopalganj. The conspirators behind the aforesaid occurrence are Satish Pandey and Amarendra Kumar Pandey @ Pappu Pandey. He has already instituted Kuchaikote P.S. Case No. 208 of 2025 dated 24.05.2025 against Bhola Pandey and other organized land mafias under Sections 191(2), 191(3), 308(5), 338, 340(2), 119(1), and 111(1) of the B.N.S., which is presently under investigation. Even after lodging of the aforesaid First Information Report, Bhola Pandey along with his associates and henchmen is still attempting to forcibly encroach upon and take illegal possession of the aforesaid land. In this regard, *Sanha*/information reports have been lodged by him from time to time before the concerned police station, copies whereof have also been submitted to the Superintendent of Police, Gopalganj. All the aforesaid persons are members of an organized land mafia syndicate and are attempting to dispossess his employer/landlady, Smt. Kiran Sinha, on the basis of forged and fabricated documents. With the aforesaid intention, they have committed such heinous acts, and Bhola Pandey further threatened them by stating that neither they nor their landlady are aware that they are men of Satish Pandey, and that at the instance of Satish Pandey and his brother, they are capable of doing anything. It is, therefore, most respectfully prayed that appropriate legal

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action be initiated against the aforesaid accused persons in accordance with law. Subsequently, FIR has been instituted.

4. It is *inter alia* submitted on behalf of petitioner that petitioner is quite innocent and has committed no offence, previously no any other bail petition either anticipatory or regular application has been filed either before the Hon'ble High Court of Judicature at Patna or before this court prior to present one. In para no. 03 of the anticipatory bail petition, it has been submitted that the petitioner have got 37 criminal antecedents. Petitioner has falsely been implicated in this case. Further, it is submitted that prosecution case has been false and fabricated. As a matter of fact the FIR contains only two statements regarding the petitioner: "The conspirators of the above offence are Satish Pandey and Amrendra Kumar Pandey @ Pappu Pandey." Bhola Pandey allegedly said: "we are the men of Satish Pandey and we can do anything on his and his brother's instructions." The legal question is whether such statements alone are sufficient to constitute the offence of criminal conspiracy. The settled position of law is that they are not sufficient by themselves to establish criminal conspiracy. It is pertinent to explain Essential Ingredients of Criminal Conspiracy. Agreement between two or more persons. The agreement must be to commit an illegal act or a legal act by illegal means. There must be meeting of minds and some material showing participation in the conspiracy. Thus, mere suspicion, allegation, or reference to a person in the FIR is not sufficient to establish criminal conspiracy. Further, Ld. Counsel for the petitioner has submitted following case laws: (i) **Kehar Singh v. State (Delhi Administration)**, (ii), **State (NCT of Delhi) v. Navjot Sandhu** and (iii) **In Parveen v. State of Haryana**. Further, it is submitted that in the present FIR: There is no allegation of any meeting between the petitioner and the alleged offenders. There is no overt act attributed to the petitioner. The FIR only contains a vague statement that others claimed to be acting for him. Such a statement is hearsay and inferential, and by itself does not establish the essential ingredient of conspiracy, namely the agreement or meeting of minds. There must be independent material showing participation, agreement, or active involvement. In conclusion, it is humbly submitted that the single statement

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in the FIR that: “Bhola Pandey said they were men of Satish Pandey and could act on his instructions” does not satisfy the legal ingredients of criminal conspiracy, as there is no material showing agreement, meeting of minds, or overt act by the petitioner. Hence, such allegations are too vague and insufficient in law to constitute the offence of criminal conspiracy. That the allegations made in the FIR are false, baseless and concocted, and the petitioner has been falsely implicated due to previous enmity and long standing land dispute between the parties. Further, it is submitted that the alleged occurrence arises out of a purely civil dispute relating to land, and Title Suit No. 662/2024 and Title Suit No. 255/2024 relating to the same property are already pending before the competent Civil Court at Gopalganj. It is most respectfully submitted that the informant claims himself to be merely a caretaker/agent of the alleged land owner Kiran Sinha. However, the factual position is that the said Kiran Sinha had already executed a registered sale deed bearing No. 14802 dated 08.09.1978 in favour of the petitioner’s father Late Ramashish Pandey with respect to the land mentioned in the FIR. It is further submitted that the said registered sale deed was executed after following all statutory formalities before the competent registration authority, and the vendor himself has never disputed the validity of the sale deed nor raised any claim against the petitioner regarding the ownership of the said land. The petitioner has also been regularly paying government revenue (lagan) in respect of the said property, which clearly establishes the petitioner’s lawful possession and title over the land. That the criminal case has been instituted only with the intention to pressurize the petitioner in the pending civil litigation. It is further submitted that even the offence of extortion is not made out against the petitioner. There is absolutely no allegation in the FIR that the petitioner himself demanded any money, put the informant in fear of injury, or dishonestly induced the informant to deliver any property or valuable security, which are the essential ingredients of the offence of extortion. In absence of any specific act of demand, threat, or delivery of property attributable to the petitioner, the basic ingredients of the offence of extortion are completely missing, and therefore the allegation against the petitioner is vague, inferential, and legally unsustainable. The petitioner is a senior citizen aged about 65 years, a

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respectable person of the locality and has deep roots in society. It is submitted that the present case arises out of the very same land dispute which is already the subject matter of Kuchaikote P.S. Case No. 208 of 2025 and Kuchaikote P.S. Case No. 161 of 2026. Significantly, the informant in both the cases is that same person and the dispute relates to the same person and the dispute relates to the same piece of land. In the earlier matter, the Hon'ble High Court in Cri. Misc. No. 41015/2025 has already been pleased to grant the privilege of no coercive action vide order dated 15.07.20025 in favour of the accused persons. IN such circumstances, when the present case also emanates from the identical transaction and the same informant, denial of similar protection would amount to discriminatory treatment and would offend the principles of natural justice, parity and fairness. Therefore, on the ground of parity and to prevent misuse of the criminal process in a purely civil land dispute, it is just, proper and necessary that this Court may also be pleased to grant the protection of no coercive action to the petitioner in the present case. That the petitioner undertakes to co-operate with the investigation and shall appear before the investigating officer whenever required and he also undertakes that he shall not tempter with the evidence nor influence any witness. On such strength, prayer for anticipatory bail has been made.

5. *Per contra*, ld. P.P. for the State as well as l.d counsel on behalf of the informant has vehemently opposed the prayer of anticipatory bail of the petitioner and submitted that Section mentioned in the FIR on written application pursuant investigation, the I.O. vide application dated 18.04.2026 Section 111(3) B.N.S. Organized crime, Sec. 61(2) B.N.S. conspiracy was prayed to be added and accordingly, which was permitted to be added. Further, it is stated that mastermind of the occurrence which took place on 01.04.2026 is none other than Satish Kumar Pandey and Amrendra Kumar Pandey. In fact, in **Para 54** on basis of investigation it has come on record that Satish Kumar Pandey, Amrendra Pandey along with Bhola Pandey ran an organized crime of land grabbers on basis of intimidation and on basis of forged documents. Apart from the above Bhola Pandey has confessed his guilt in front of police voluntarily and without any coercion (**Para 11**).

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Further, it is stated that the petitioner Satish Kumar Pandey has as many as **87 Criminal Antecedent** details whereof has been set out in **Para 52** of the case diary right from the year 1979 including U/s. 302 IPC and Arms Act and most of the cases of land grabbing or illegal possession of land. It is worth noticing that the Hon'ble Apex Court in order dated 27.04.2026 passed in **SLP (Cr.) No. 5309/2026** with regard to much lesser antecedent has categorically held that the criminal antecedent of Respondent No. 2 which were of only 22 police cases were enough for the High Court to deny anticipatory bail and set aside the order of the High Court of releasing the respondent. That in course of investigation various witness whose statement has been recorded which are clearly supported the prosecution case stating categorically that Bhola Pandey, all members of the gang of Satish Pandey and Amrendra Pandey are involved on their behest. **Para 29; Witness Jadelal Yadav (Caretaker);** has fully supported the prosecution story and further stated that the apprehended accused persons were acting on behest of Amrendra Pandey and Satish Pandey. **Para 32; Witness Narendra Yadav (Caretaker);** has fully supported the prosecution story and further stated that the apprehended accused persons were acting on behest of Amrendra Pandey and Satish Pandey. **Para 33; Witness Dharmendra Ram (Caretaker);** has fully supported the prosecution story and further stated that the apprehended accused persons were acting on behest of Amrendra Pandey and Satish Pandey. It is further stated that accused petitioner along with his brothers and gang members have been indulging in case of land grabbing and preparing false documents and sale deeds is further manifested from the act of land grabbing and false documentation including mutation in conveyance with authorities, made by the accused in past also in context of the land of the present case. The Hon'ble Court Patna vide order dated 17.04.2025 while issuing notice to R8 and R9 namely Satish Kumar and Amrendra had directed to SP, Gopalganj to act upon the complaint if any filed by the writ petitioner. Apart from directing protection to the writ petitioner if so requested.

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On the basis of which FIR Kuchaikote P.S. 208/2025 was instituted. Further, it is stated that land which stood mutated in the name of Kiran Sinha way back in the early 1970's and she continue to pay the *lagan* till date was sought to be mutated in the nae of Satish Pandey, but the same application was rejected by C.O. on 28.04.2024. Notwithstanding the above authorities in connivance had cancelled the Jamabandi of Kiran Sinha and created Jamabandi in favour of Satish Pandey. However, as Krian Sinha learnt about the attempt of the petitioner to get her Jamabandi cancelled and a fresh Jamabandi created in the name of Satish Pandey, though the same had been rejected by the C.O. was advised to a Title Suit bearing no. 662/2024 before learned Sub-Judge, Gopalganj. In the said suit, the learned Court of Sub-Judge sought from the Sub Registrar whether the sale deed impugned in the Title Suit No. 662 of 2024 was executed by the Sub Registry by letter dated 19.12.2024 addressed to learned CJM and Sub Judge-II Gopalganj that though date of 08.09.1978 was found to have been entered in the office register but the thumb impression registered was not found to be maintained in the records, which shows the official records were manipulated by the accused to include statement registration of the forged sale deed. Informant also relied upon certain case laws a. 2003 6 SCC 175 (Superintendent of Police CBI & Ors Vs. Tapan Kumar Singh) Para 20, b. SLP Cri. 1749-1751 of 2024 (Diary No. 20213 of 2022) (ACCAMMA SAM JACOB Vs The State of Karnataka) Para 55 and Para 56 and c. Pratibha Manchanda Vs. The State of Haryana (2023 INSC 612) (Cri Appeal No. 1793 of 2023). In addition to that Ld. Sr. Counsel Sri Jitendra Singh orally submitted that accused petitioner Satish Pandey frequently grab the land in this area and **if Anticipatory bail is granted, the accused will be in position to intimidate the witnesses.** Deponent therefore humbly prays in view of the aforesaid facts the prayer of anticipatory bail of the accused persons is fit to be rejected.

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6. Heard both the sides at length, I have gone through the case record along with case diary. From perusal of case record, it appears that Kuchaikote P.S. Case No. 161 of 2026, for the offences U/s.- 329(3), 308(4), 308(5), 109(1), 352, 351(2), 3/5 of the B.N.S. and 27 Arms Act, had been lodged against the accused petitioner. During investigation on 18.04.2026 Sections 111(3), 111(4), 61(2) B.N.S. was added in the F.I.R. by Ld. A.C.J.M.-I, Gopalganj. There is allegation against the accused petitioner that accused Bhola Pandey @ Rakesh Pandey arrived in a white Scorpio vehicle along with Rahul Tiwari and five unknown persons and Guddu Kumar, Deepak Kumar and Nitish Kumar armed with firearms for grabbing the land on direction of accused petitioner Satish Pandey. Petitioner is named in the F.I.R. From perusal of case diary, it appears that informant Jitendra Kumar Rai in his statement vide in Para no. 3 and other witnesses namely Ajit Singh, Ajay Mishra, Harihar Sharma and Jadolal Yadav examined vide in Para No. 7, 8, 28 & 29 of the case diary have supported the prosecution version and corroborated the active involvement of accused petitioner in this case and also corroborated the incident. Statement U/s. 183 of B.N.S.S. of informant Jitendra Kumar Rai corresponding to para 163 of the case diary also reveals the fact that at the behest of accused petitioner, other co-accused arrived at the scene for land grabbing. In para 11 of the case diary shows that accused Bhola Pandey confessed that he is acting at the behest of his master Satish Pandey who engages in land grabbing and extortion. Para 52 of the case diary reveals that 87 criminal antecedents are present against the accused petitioner. Para 54 of the case diary shows that accused petitioner Satish Pandey along with other accused ran an organized crime of land grabbing. Para 149, 151 of the case diary also corroborate the involvement of accused petitioner. However, investigation of this case is going on against the petitioner.

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7. Considering the above facts and circumstances of the case and nature of allegation as well as material available on record, in my considered view, it is not a fit case for grant of anticipatory bail at this juncture. Accordingly, anticipatory bail prayer of the petitioner is hereby rejected.

Let a copy of this order be transmitted to concerned Court forthwith and the order be uploaded on C.I.S. immediately.

This order is dictated and corrected by me.

Dictated

(Rajendra Kumar Pandey)
Addl. Sessions Judge III,
Gopalganj.
19-05-2026

Date of order	19-05-2026
Date of reserving order	07-05-2026
Uploading date	19-05-2026
Uploaded by	Shobhit Kumar