

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3295 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- DORIGANJ District- Saran

1. Bhikhar Singh @ Nand Ji Singh S/o Late Dahau singh R/o Vili.- Dayalchak, P.S.- Doriganj, Distt.- Siwan
2. Munna Singh @ Munna Kumar Singh S/o Bhikhar Singh @ Nand Ji Singh R/o Vili.- Dayalchak, P.S.- Doriganj, Distt.- Siwan
3. Ashish Kumar Singh @ Ashish Singh @ Ashish Kumar S/o Bhikhar Singh @ Nand Ji Singh R/o Vili.- Dayalchak, P.S.- Doriganj, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-02-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Doriganj Police Station Case No. 233 of 2024, disclosing offences under Sections 126(2), 115(2), 76, 109, 303(2), 352, 351(2) and 3(5) of B.N.S., 2023.

3. As per the prosecution story, the allegation against the petitioners is that on 14.09.2024, in the night while the informant was at his home, the petitioners arrived at the door of the informant and started abusing his wife. It has further been alleged that petitioner no. 3 assaulted the



wife of the informant by fists and kicks and pulled her down by her hair and also tore her clothes thereafter; the informant intervened in the matter, and upon seeing the informant, petitioner no. 2 pointed a gun upon him, and petitioner no. 3 assaulted the informant by means of daab (sharp cutting weapon) on his head, which caused injury to the informant. Petitioner no. 1 assaulted with lathi and butt of the gun and allegedly snatched golden *Jitiya* from the informant's wife.

4. Learned Counsel for the petitioner submits that both parties are neighbours having a dispute regarding cutting of *Gumhar* tree which was standing in the land of the informant and was allegedly cut by the petitioners. It has further been submitted that in the *fardbeyan* the statement of the informant is that his wife was assaulted by the petitioners, and when he intervened in order to save his wife, he was assaulted, whereas in his re-statement the informant has stated that he was being assaulted by the petitioners, and when his wife came to save him, she was beaten by the petitioners. The wife of the informant has not sustained any injury. Referring to the injury report of the



informant at Annexure-2, learned counsel submits that the injury sustained by the informant is simple in nature.

5. On the other hand, learned counsel for the State as well as the informant vehemently opposes the prayer for bail and submits that there is a specific allegation against petitioner no. 3 that he assaulted by means of daab on the head of the informant and injury caused at the forearm and forehead of the informant is serious/grievous in nature but somehow the doctor has given the opinion regarding the injury as simple. The intention of the petitioners was to kill the informant.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that both the parties are neighbours having dispute regarding cutting of a tree and the injury caused to the informant is simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioners, above named, in the event



of his arrest or surrender before the Court below within four weeks, 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 learned Judicial Magistrate 1st Class, Saran at Chapra, in connection with Doriganj Police Station Case No. 233 of 2024, subject to the condition laid down under Section 482 (2) of the B.N.S.S., 2023.

(Anil Kumar Sinha, J)

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