

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3484 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- KESARIA District- East Champaran

Vijay Sah @ Vijay Kumar Son of Heera Sah Resident of Ramgarhwa, P.S.-
Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 09-05-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kesariya Police Station Case No. 216 of 2024, dated 08.07.2024, disclosing offences punishable under Sections 126(2)/115(2)/118(1)/109/74/303(2)/352/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3. The allegation against the petitioner, as per the First Information Report, is that he assaulted the informant by means of farsa and knife on his head and hand, due to which he sustained injuries.
4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to village politics. He further submits that both the parties



are neighbour and scuffle took place between the parties on a trivial issue of parking of the tractor. He further submits that prior to lodging the present First Information Report, the side of the petitioner has lodged Kesariya Police Station Case No. 213 of 2024 against the informant and others and the informant has lodged this First Information Report as a counter blast to the aforesaid First Information Report lodged by the petitioner. He further submits that though the allegation is of assault by means of farsa and knife (sharp cutting weapon), but the doctor has found the injuries caused by hard and blunt substance. He further submits that the petitioner has got no criminal antecedent.

5. On the other hand, learned Additional Public Prosecutor opposes the prayer for anticipatory bail and submits that there is direct allegation against the petitioner of assaulting the informant by means of farsa and knife on his head and hand the informant has sustained three injuries, i.e. (I) lacerated wound on right eye-brow of 3 cm x 1 cm x 0.5 cm, (ii) lacerated wound on mid fore head of 5 cm x 1 cm x scalp deep with bleeding and (iii) lacerated wound on right hand root of thumb and index



finger of 2 cm x 1 cm x 1 cm, and all the three injuries were caused by hard and blunt substance and the opinion regarding the nature of the injuries was kept reserved.

- 6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are neighbour, case and counter case is there and the injuries sustained by the informant do not appear to be grievous in nature, I am inclined to grant the petitioner privilege of anticipatory bail.
- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Kesariya Police Station Case No. 216 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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