

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1982 of 2025

Arising Out of PS. Case No.-343 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Raushan Kumar, Son of Parmeshwar Yadav, R/o Vill- Dhoighat P.S -Sadar Distt- Darbhanga
 2. Rohit Kumar, Son of Parmeshwar Yadav, R/o Vill- Dhoighat P.S -Sadar Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate
For the Informant	:	Ms. Kanchan Jha, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-02-2025 Heard Mr. Kedar Jha, learned counsel for the petitioners, Ms. Kanchan Jha, learned counsel for the informant and Mr. Sanjay Kumar Tiwary, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Sadar P.S. Case No. 343 of 2024 dated 22.09.2024 registered for the offences punishable under Sections 126(2), 352, 115(2), 351(2), 110, 303(2) and 3(5) of the B.N.S.

3. As per the prosecution's story, on 20.09.2024 at about 6-7 P.M., the petitioners abused the informant and the petitioner no.1 gave a blow on his neck with dagger which hit in his left arm while petitioner no.2 caught him from behind. Petitioners also snatched away Rs.200/- from the pocket of the



informant.

4. The main submissions advanced by petitioners' counsel are that both the petitioners are teen aged persons having fair and clean antecedent and the prosecution's story narrated by the informant is totally false, in fact a quarrel took place in between the informant and the petitioner No. 2 during that course, the informant fell down on the tractor and sustained injuries to his left shoulder and as per the medical opinion, the object by which the informant sustained injuries has been opined as hard and blunt which in itself falsifies the allegation of using sharp cutting object in assaulting the informant. It is further submitted that the informant filed the FIR two days after the commission of the occurrence without giving explanation to the said delay period and further, he was initially treated at private hospital but no injury report was issued by the said hospital which also creates suspicion in the prosecution story. It is further submitted that in view of the provisions of Section 35(3) of the B.N.S.S., the police have served the notice upon the petitioners but even then, there is possibility of misuse of power by the police under Section 35(5) of the B.N.S.S., so, in view of this fact, the petitioners have reasonable apprehension of their arrest.



5. On the contrary, learned counsel appearing for the informant has opposed the bail prayer and submits that both the petitioners are drug addict and used to harass the villagers and demand money from them and on the alleged date and time of occurrence, firstly, the petitioner No.1, Rohit Kumar, caught hold of the informant and petitioner no.2, Raushan Kumar, tried to take money from the pocket of the informant which was resisted by the informant and during that course, the petitioner no. 1, Raushan Kumar inflicted a dagger blow at the neck of the informant but he escaped from that blow but sustained injury to his left arm and sixteen to seventeen stitches were done on his arm and in this regard, the observation made by the trial court in the order impugned is relevant.

6. Learned APP appearing for the State has also opposed the bail prayer of the petitioners.

7. Considering the seriousness of the allegations appearing against the petitioners as pointed out by the informant's counsel discussed above, this Court is not inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, their prayer stands rejected.

8. As per the statement made in paragraph No. '15' of the petition, police have served notice upon the petitioners under



Section 35(3) of the B.N.S.S., so, in view of this position, if the petitioners are not arrested by the police and they are chargesheeted then the learned trial court will decide their regular bail prayer on their surrender within 15 days from the date of submission of chargesheet or from the date of surrender as per the principle laid down by the Hon’ble Apex Court in the case of Satender Kumar Antil vs. Central Bureau of Investigation and Anr. passed in Special Leave Petition (Crl.) No. 5191 of 2021.

(Shailendra Singh, J)

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