

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11762 of 2025

Arising Out of PS. Case No.-139 Year-2024 Thana- ASARGANJ District- Munger

Chhotu Kumar @ Chhotu Yadav S/O Basuki Yadav Resident of Village-
Korian, P.O.- Masumganj, P.S.- Asarganj, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Nirala

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-04-2025 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 Asarganj Police Station Case No. 139 of 2024, dated 16.10.2024, disclosing offences punishable under Sections 191/126(2)/115(2)/109(1)/352/351(2)/303(2)/76 of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report, is that on 14.10.2024, the informant's husband, along with his nephew, went at the field and saw that his villagers, along with the petitioners, were erecting electric pole in the land of the informant. When objected, the petitioner and co-accused Amis Yadav, having pistols in their hands, assaulted the informant's husband with the butt of the pistols on his head. It has further been alleged that other



co-accused persons, named in the First Information Report, also assaulted the informant's husband and the family members.

4. Learned Counsel for the petitioner submits that the present First Information Report has been lodged due to land dispute between the parties. The occurrence had taken place between the parties due to land dispute on 14.10.2024 and the petitioner lodged the First Information Report against the informant's side on the same day, bearing Asarganj PS Case No. 135 of 2024, which is prior in time to the present First Information Report. The present First Information Report is the counter blast of the First Information Report lodged by the petitioner after a delay of two days on 16.10.2024 without any explanation. He further submits that the injury sustained by the informant's husband (victim) appears to be simple in nature upon perusal of the impugned order inasmuch as in the impugned order, injury has been discussed but nature of the injury has not been disclosed as grievous.
5. Learned Additional Public Prosecutor, on the other hand, submits that there is specific allegation of assault against the petitioner and the informant's husband has sustained



injury on his head as is evident from the impugned order.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, there is case and counter case between them and the First Information Report lodged by the petitioner is prior in time to the present First Information Report, 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 1st Additional Chief Judicial Magistrate, Munger, in connection with Asarganj Police Station Case No. 139 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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