

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6902 of 2025

Arising Out of PS. Case No.-219 Year-2024 Thana- CHAUSA District- Madhepura

Shambhu Rai S/O Late Shiv Rai R/O Vill.- Arajpur, Purvi Bhatta Tola, Ward
no.- 14, P.S- Chausa(Bharrahi O.P), Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-03-2025 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 Chausa Police Station Case No. 219 of 2024, dated 09.09.2024, disclosing offences punishable under Sections 126(2)/115(2)/109(1)/329(4)/352/351(2)/3/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report, is that on 06.09.2024, in the morning, all the accused persons, including the petitioner, having armed with lathi, danda, iron rod, came at the door of the informant, started abusing and assaulting him and when the informant's brother, Akhilesh Kumar came for his rescue, the petitioner assaulted him with iron rod, causing injury on



his head. Other co-accused persons also assaulted other family members of the informant.

4. Learned Counsel for the petitioner submits that both the parties are agnates and there is land dispute, as is evident from the First Information Report itself. He further submits that in the First Information Report, there is specific allegation of assault on the head of Akhilesh Kumar against the petitioner and no other accused persons have allegedly assaulted him, but from perusal of the injury report, Annexure 2, it would be evident that 9 injuries have been caused to the victim Akhilesh Kumar. He further submits that the occurrence has taken place on 06.09.2024, but the First Information Report has been lodged after delay of three days on 09.09.2024. Referring to the injury report, learned Counsel submits that though the doctor has reserved the opinion regarding the nature of injuries, however, from perusal of the injury report, particularly, the injury caused to Akhilesh Kumar on his head, it appears that the same is simple in nature. A counter case has been lodged by the side of the petitioner against the informant and others, which is prior in time to the present First Information Report.



5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are agnates having land dispute and case and counter case is there, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. 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 Sub Divisional Judicial Magistrate, Udakishunganj, in connection with Chausa Police Station Case No. 219 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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