

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8430 of 2025

Arising Out of PS. Case No.-578 Year-2024 Thana- RAJAOLI District- Nawada

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1. Ram Swarup Yadav @ Ram Swaroop Prasad S/O Late Churam Yadav R/O Vill.- Andharbari, Thana- Rajauli, District- Nawadah.
 2. Upendra Yadav @ Upendra Prasad @ Umesh Prasad S/O Ram Swarup Yadav @ Ram Swaroop Prasad R/O Vill.- Andharbari, Thana- Rajauli, District- Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 3 14-05-2025 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 Rajauli Police Station Case No. 578 of 2024, dated 15.12.2024, disclosing offences under Sections 126(2)/115(2)/118(1)/109/303(2)/3(5) of the Bhartiya Nyaya Sanhita.
3. The prosecution case, as per the First Information Report, is that while the informant was bringing straw from rickshaw, all the accused persons, including the petitioners, armed with lathi, danda, iron-rod, khanti, etc.



started assaulting him due to which he sustained injuries.

The petitioner no. 1 assaulted the informant by means of khanti on his nose due to which he sustained cut injury and petitioner no. 2 assaulted him by means of iron-rod on his head.

4. Learned counsel for the petitioners submits that both the parties are agnates and there is land dispute between them. He next submits that a counter-case, bearing Rajauli Police Station Case No. 579 of 2024, has been lodged by the son of the petitioner no. 1 against the informant and others. Referring to the injury report, learned counsel submits that the injuries sustained by the informant are simple in nature except one injury caused by the petitioner no. 1 on nose (fracture on nasal bone and nasal septum) which is grievous in nature caused by hard and blunt substance, however, opinion regarding injury on right hand has been kept reserved.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that injury caused by the petitioner no. 1 on nose of the informant is grievous in nature, I am not inclined to grant the petitioner no. 1 privilege of anticipatory bail.



6. This application in respect of petitioner no. 1 is, accordingly, rejected.
7. Insofar as petitioner no. 2 is concerned, allegation against him is not specific and injury caused by the petitioner no. 2 is simple in nature, accordingly, I am inclined to grant petitioner no. 2 privilege of anticipatory bail.
8. Let the petitioner no. 2, 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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Nawada, in connection with Rajauli Police Station Case No. 578 of 2024, subject to the condition laid down under Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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