

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8372 of 2025

Arising Out of PS. Case No.-836 Year-2024 Thana- AHYAPUR District- Muzaffarpur

1. Pawan Kumar, Son of Ram Sevak Ray, Resident of village- Mahpur, P.S- Ahiyapur, Dist- Muzaffarpur, Bihar.
2. Bipin Bihari @ Bipin Bihari Yadav @ Bipin Bihari Prasad Yadav Son of Ram Sevak Ray Resident of village- Mahpur, P.S.- Ahiyapur, Dist- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Lal Babu Keshari, Advocate
For the Opposite Party/s	:	Mr.Surendra Prasad Singh, APP
For the Informant	:	Mr. Nalin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2 At the outset, it is submitted by learned counsel for the petitioners that during pendency of this case, petitioner no. 2, namely, Bipin Bihari @ Bipin Bihari Yadav @ Bipin Bihari Prasad Yadav has already been arrested, as such, present anticipatory bail application of petitioner no. 2 has become infructuous.

3. Accordingly, the prayer of anticipatory bail application of petitioner no. 2, namely, Bipin Bihari @ Bipin Bihari Yadav @ Bipin Bihari Prasad Yadav stands dismissed as withdrawn having



become infructuous.

4. Now, this application survives only for petitioner no. 1, namely, Pawan Kumar.

5. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Ahiyapur P.S. Case No. 836 of 2024, FIR No. 5114003240836 registered for the offences punishable under Sections 448, 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

6. The allegation against the petitioner is to assault informant and her other family members by using *knife* and *iron rod*, causing head and bodily injuries, which was made with intention to cause her death. The occurrence is alleged to be arising out of land dispute and previous enmity.

7. Learned counsel appearing on behalf of the petitioner submitted that the occurrence was in fact free fight in nature, where both parties received injuries and for same occurrence, petitioner's side also lodged Ahiyapur P.S. Case No. 865 of 2024. It is pointed out that as occurrence was free fight in nature, therefore, it cannot be said that petitioner was under intention to cause death. It is further pointed out that the injury which was fractured appears to be caused by co-accused Bipin Kumar as per narration of the FIR, who now arrested. While concluding the



argument, it is submitted that petitioner is a man of clean antecedent.

8. Learned APP duly assisted by learned counsel Mr. Nalin Kumar, appearing on behalf of the informant, while opposing the prayer of anticipatory bail submitted that there is specific allegation against this petitioner as to assault on face of the informant who is a lady, causing facial fracture injury which appears corroborating with injury report of the injured/informant.

9. Considering the aforesaid facts and circumstances and by taking note of nature of injury, which appears corroborating *prima facie* with manner of assault and nature of weapon and found grievous, accordingly, the prayer of anticipatory bail of the petitioner stands rejected herewith.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

