

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9113 of 2025

Arising Out of PS. Case No.-143 Year-2024 Thana- Balwahat District- Saharsa

Navin Prakash Sinha Son of Bisheshwar Prasad @ Bisheshwar Prasad Sinha
Resident of Madanpur, Ward No.1, P.S. - Balwahat, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 22-03-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Balwahat PS. Case No. 143 of 2024, registered for the offences punishable under Sections 74, 190, 191(2), 126(2), 115(2), 117(2), 109, 303(2), 351(2) and 352 of B.N.S.

3. The prosecution case in brief is that on 17.10.2024 at about 09:00 AM all the named accused along with 10-15 unknown persons variously armed came and assaulted the informant's son Gaurav Kumar and they tried to outrage the modesty of the informant. Petitioner attacked on the informant's head with iron rod causing head injury, fractured left hand of the informant and snatched gold chain worth Rs. 70,000/-.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. The entire story is false and fabricated and it is due to personal grudge that the petitioner and others have been implicated in this case. He further submits that the accused and informant's side are agnates and there is land dispute between them. He further submits that there was altercation on account of possession of certain piece of land, leading to free fight. He also submits that counter case has also been filed by the accused side bearing no. Balwahat P.S. Case No. 144 of 2024. The petitioner has clean antecedents. It is further submitted that similarly situated co-accused have been enlarged on bail vide order dated 06.03.2025 passed in Cr. Misc. No. 9673 of 2025.

5. Learned counsel for the petitioner further draws the attention of this Court to the injury report of Malti Devi which has been brought on record as Annexure-3 wherein the doctor has found following injuries :

“ 1. Lacerated wound over occipital region of skull of 2'x ½” x ½'x skull deep.

2. Swelling over Lt. Forearm of size 1"x1”.

6. Learned counsel for the petitioner submits that from bare perusal of the injury report, it is contrary to the



allegations made in the FIR and there is no substantive evidence to connect the petitioner with the present case.

7. It is evident that the injury report which has been brought by way of Annexure 3 does not substantiate the charges which has been made in the FIR of assaulting the informant in such a manner which would attract the offence under Section 109 of BNS.

8. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the fact that the petitioner is posted in RPF having clean antecedent and that the injury report does not substantiate the charges which has been made in the FIR, let the petitioner above named be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa, in connection with Balwahat P.S. Case No. 143 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

- (i) One of the bailors of the petitioner shall be his close



relative.

- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned Trial Court or in case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Sourendra Pandey, J)

Prakash/-

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