

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14043 of 2025

Arising Out of PS. Case No.-588 Year-2024 Thana- MUFFASIL District- West Champaran

Madan Prasad @ Madan Kumar Prasad Son of Vriksha Mahto Resident of
Village- Amva Majhar, Ward No.- 04, P.S.- Bettiah Muffasil, District- West
Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate
For the State : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-04-2025 Heard Mr. Sujeet Kumar, learned counsel for the
Petitioner and Mr. Prem Kumar Jha, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Bettiah Mufassil P.S. Case No. 588 of 2024 dated
01.11.2024 registered for the offences punishable under
Sections 126(2), 115(2), 118(1), 76, 303(2), 352, 109(1) and 3(5)
of the Bharatiya Nyaya Sanhita (in short 'B.N.S.')

3. The main submissions advanced by petitioner's
counsel are that as per allegation, the petitioner assaulted at the
head of the informant by means of an iron rod which caused the
informant falling down and thereafter, as per allegation, other
co-accused persons assaulted him by *lathi* and *danda* which
shows that the informant was badly assaulted by the said means
if we believe the prosecution story to be true. Assuming the
prosecution's version of events to be true, it is submitted that the



material evidence does not support the allegation of brutal assault upon the informant using iron rod, *lathi* and *danda*. The medical evidence revealed only a single lacerated wound measuring approximately, 3 x 1 x 1 cm on the frontal region of the informant's head which was opined to be simple in nature. The minor and singular injury appears inconsistent with the alleged used of multiple weapons thereby casting serious doubts on the veracity of the prosecution's claim. It is further submitted that the alleged occurrence is said to have taken place on 17.10.2024 but the formal FIR was registered on 01.11.2024 despite the *fardbeyan* of the informant having been recorded on 18.10.2024 by the police which shows some manipulation on the part of the police in registration of the FIR. It is further submitted that the FIR itself shows that there was a dispute of passage in between both the parties at the relevant time and in actual, the petitioner himself was assaulted by the prosecution party on 17.10.2024 which is the date of the present occurrence and he recorded his *fardbeyan* in injured condition on 19.10.2024, in the surgical ward of G.M.C.H, Bettiah, West Champaran and this fact clearly shows that a free fight took place in between both the parties on account of the dispute of passage. It is lastly submitted that the petitioner has fair and



clean antecedent.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. In the facts and circumstances of this case as well as considering the aforesaid submissions advanced by petitioner's counsel and mainly taking into account petitioner's plea of free fight as stated above and also the nature of injury to the informant who is said to have been assaulted by the petitioner and also coupled with the fair and clean antecedent of the petitioner, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Bettiah Mufassil P.S. Case No. 588 of 2024 subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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