

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15335 of 2025

Arising Out of PS. Case No.-39 Year-2024 Thana- KRISHNAGARH District- Bhojpur

Shiv Shankar Prasad @ Shiv Shankar Paswan @ Shankar Paswan S/O Raj Kumar Paswan @ Rajkumar Paswan Resident of village - Jhokipur, Police Station- Krishanagarh, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 04-04-2025 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 Krishnagarh Police Station Case No. 39 of 2024, disclosing offences under Sections 147, 148, 149, 307, 325, 379, 504, 506 of the Indian Penal Code.
3. The prosecution story, as per the FIR, is that all the accused persons assaulted the informant and other family members with lathi, danda and iron rod and it has further been alleged that the petitioner has assaulted the informant with lathi and the co-accused Anup Paswan assaulted with iron knuckle on the head of the informant.
4. Learned Counsel for the petitioner submits that



both parties are co-villagers and there is delay in lodging the FIR inasmuch as the occurrence has taken place on 28.05.2024 and the FIR has been lodged on 01.05.2024 i.e., after a delay of two days. He further submits that there is a land dispute also between the parties and some of the co-accused has been granted privilege of anticipatory bail by this court.

5. On the other hand, learned counsel for the informant opposes the prayer for bail and submits that petitioner cannot claim parity with the other co-accused persons who have been granted bail by this court inasmuch as there is specific allegation against the petitioner that he assaulted the informant by means of lathi on his head. He further submits that injury report suggests that the informant has sustained injury on the middle of the scalp which is be attributed to the petitioner. He next submits that from perusal of the injury report it appears that in the middle of the scalp the injury having the size of 3" * ½" * 1 Inch has been caused to the informant which appears to be grievous in nature though the doctor has not given his opinion regarding the nature of injury and he is waiting for the report of the CT scan. He also submits that the petitioner is having two criminal antecedents

6. Having regard to the submissions made on



behalf of the parties and taking into consideration the fact that there is a specific allegation of assault against the petitioner that he assaulted the informant on his head and the informant has sustained injury on the middle of scalp and the petitioner is having two criminal antecedents, I am not inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, rejected.

8. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit without being prejudiced that anticipatory bail of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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