

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14739 of 2025

Arising Out of PS. Case No.-402 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Shambhu Kumar, S/o- Ramchandra Mahto Village- Lagunia Raghukanth
Police Station -Muffasil District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 402 of 2024, instituted under Sections 126(2), 115(2), 109, 303(2), 74, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, on the date of occurrence petitioner along with F.I.R. named accused persons armed with weapon came at the house of the informant and started abusing him. On protest, accused persons assaulted him. Petitioner is alleged to have assaulted the informant with *Padharia* on the back of his head with intention to kill him.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this



case. There is allegation of assault against the petitioner on the head of the informant with Padharia, however, head injury of the informant is simple in nature. Petitioner and informant are agnates and there is land dispute between the parties due to which free-fight had taken place. There is case and counter case between the parties. Petitioner has no criminal antecedent. He undertakes to co-operate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Samastipur in connection with Muffasil P.S. Case No. 402 of 2024, subject to the conditions laid down in Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita (B.N.S.S.), 2023.

(Sunil Dutta Mishra, J)

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