

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15958 of 2025

Arising Out of PS. Case No.-484 Year-2024 Thana- TURKAULIYA District- East Champaran

1. Dadan Kumar Tripathy @ Dadan Tripathi S/o- Gauri Shankar Tripathy @ Gauri Shankar Tripathi Vill- Kushahar PS-Turkauliya Distt- East Champaran
2. Chutun Tripathy @ Chutun Kumar Tripathy @ Chutun Kumar Tripathi S/o- Gauri Shankar Tripathy @ Gauri Shankar Tripathi R/V- Kushahar Ps-Turkauliya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dr. Uma Shankar Prasad, Sr. Adv. Mr. Kamala Kant Tiwary, Adv. Mr.Kundan Rathore, Adv.
For the State	:	Mr.Dashrath Mehta, APP
For the Informant	:	Mr.Karandeep Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2025 Heard Dr. Uma Shankar Prasad, Learned Senior Counsel with Mr. Kamala Kant Tiwary, for the petitioners, Learned APP for the State and Learned Counsel for the informant.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehends their arrest in connection with Turkauliya P.S. Case No.484 of 2024 lodged on 09.11.2024, for the offences punishable under Sections 126(2), 115(2), 127(2), 110, 303(2),



324(4), 352, 351(2),3(5) of the BNS, 2023.

3. As per the prosecution, the FIR has been lodged against 4 named accused persons (petitioners) against whom there is allegation of assault. The specific allegation is against petitioner No.1 to assault by hockey stick on the informant's head due to which injury has been caused and allegation of snatching of Rs.25,000/- by other accused persons have been made. The allegation of using abusive language is also there.

4. Learned senior counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that the petitioners have been falsely implicated in this case. He further submits that both informant and petitioners resident of same village and they are well known to each other. He further submits that for the same date and place of occurrence, there is case and counter-case lodged from both the sides. The informant has lodged the present case (Turkauliya P.S. Case No.484 of 2024) and the petitioner has lodged case i.e., Turkauliya P.S. Case No.485 of 2024.

5. Learned Senior Counsel also submits that petitioners' antecedent are clean and with a view to allegation made in the FIR, the demand of grains (devri) is the cause of dispute between the parties. He further submits that petitioners



are ready to fulfill all the conditions whatsoever shall be imposed upon them.

6. Learned Senior counsel further submits that it is the petitioners, who have assaulted by iron rod, due to which leg injury has been caused to the informant. He further submits that on petty issue, the scuffling took place between them.

7. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that the anticipatory bail of the petitioner has not been rejected rather it was directed him to take benefit of section 35 of the BNSS.

8. Learned Senior counsel in response thereof submits that he has filed representation before the authority concern to avail remedy under section 35 of the BNSS which is vide Annexure-4, but there is no response from the authority concern and there is apprehension that the petitioners may be arrested at the instance of the informant.

9. Learned APP for the State opposes the prayer for bail and submits that scuffling took place from both sides which resulted into case and counter-case for the said occurrence.

10. Counsel further submits that from the injury report, it transpires that the injury has been caused by hard and blunt substances.



11. In the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari, Concern Court, Motihari, East Champaran, in connection with Turkauliya P.S. Case No.484 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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