

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16523 of 2025

Arising Out of PS. Case No.-322 Year-2024 Thana- CHAKIA District- East Champaran

Aditya Kumar @ Aditya Raj, aged about 19 years, Male, Son of Sanjay Kumar @ Sanjay Kumar Srivastava, Resident of Village- Ramkaran Pakari, P.S.- Chakia, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Chakia P.S. Case No. 322 of 2024 instituted for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'B.N.S.').

3. As per the prosecution case, the allegation against the petitioner is that he gave a blow of Daab on the neck of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent has committed no offence and has falsely been implicated in this case due to land dispute attributed between the parties. He submits that the petitioner gave blow of



Daab on the neck of the informant due to which he sustained injury. From perusal of the injury report issued by the Doctor, it appears that all injuries sustained by the injured are simple in nature caused by hard and blunt substance. He next submits that the petitioner and the informant are close agnates and there is land dispute between both the parties. He lastly submits that petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State has opposes the prayer for bail.

6. From perusal of the FIR, injury report which has been filed on behalf of the petitioner and also perused the impugned order dated 22.01.2025 passed by the learned Sessions Judge, East Champaran, Motihari, it appears that on the basis of written report of the informant Neeraj Kumar, FIR has been lodged under Sections 126(2), 115(2), 118(1), 109, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 against six accused persons including the present petitioner. It also appears that there is specific allegation against the petitioner Aditya Kumar @ Aditya Raj, who has given a blow of Daab on the neck of the informant. The Injury report shows that there is an incised wound measuring 3cm x 1cm and bruise over back of



chest size 2cm x 2cm of the injured, which corroborates the allegation levelled against this petitioner in the FIR.

7. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, nature of allegation against the petitioner and the material available on record as well as injury report of the informant and the involvement of the petitioner in the alleged commission of offence, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, if the petitioner surrenders before the Trial Court within a period of one month from today, the Trial Court may consider his prayer for bail without being prejudiced by the present order and dispose of the bail petition on the same day, in accordance with law.

(Ramesh Chand Malviya, J)

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