

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17819 of 2025

Arising Out of PS. Case No.-108 Year-2024 Thana- BEN P.S. District- Nalanda

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1. Biltun Yadav S/o Birendra Yadav R/o vill - Bishubigha, P.S.- Ben, Distt.- Nalanda
 2. Jitendra Kumar S/o Birendra Yadav R/o vill - Bishubigha, P.S.- Ben, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2025 It appears from the order dated 21.04.2025, the bail petition with respect to petitioner no. 2 is dismissed as withdrawn.

2. Heard Mr. Raj Kishor Prasad, learned counsel for the petitioner no. 1 and Mr. Bharat Bhushan, learned APP for the State.

3. The petitioner no. 1 is apprehending his arrest in connection with Ben P.S. Case No. 108 of 2024, F.I.R. dated 24.08.2024 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2) & (3) and 3(5) of BNS, 2023.

4. Allegation against the petitioner no. 1 is that he



has assaulted to the informant by means of spade on his head due to which he sustained injury.

5. Learned counsel for the petitioner no. 1 submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. As per allegation in the F.I.R., the petitioner no. 1 has assaulted to the Informant by means of spade on his head and thereby his hand was injured in order to save his head. Learned counsel for the petitioner no. 1 submits that it appears from the F.I.R. itself that due to admitted land dispute, the present occurrence had taken place and there is case and counter case between the parties.

6. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner no. 1 and submits that it appears from the F.I.R. that there is direct and specific allegation of assault attributed to the petitioner no. 1 and apart from that the injury report of the informant namely Birju Yadav suggests that the injury is grievous in nature as well as petitioner no. 1 carries one more case other than the present one.



7. Considering the aforesaid facts and circumstances of the case as well as there is direct and specific allegation against the petitioner no. 1 and the injury inflicted upon the injured person is grievous in nature, I am not inclined to grant the privilege of anticipatory bail to the petitioner no. 1 in connection with Ben P.S. Case No. 108 of 2024 pending in the Court of learned Judicial Magistrate 1st Class, Nalanda at Bihar Sharif.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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