

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17772 of 2025

Arising Out of PS. Case No.-328 Year-2024 Thana- AWTARNAGAR District- Saran

1. Satyendra Rai @ Satyendra Kumar Ray S/o Bhamikhan Rai @ Pawan Kumar Ray R/o vill - Jhauaa Tola, Goraipur, P.S.- Awatar Nagar, Distt.- Saran at Chapra.
2. Rita Devi W/o Satyendra Rai @ Satyendra Kumar Ray R/o Vill.- Jhauaa Tola, Goraipur, P.S.- Awatar Nagar, Distt.- Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP
For the Informant	:	Mr. Saroj Kumar Choudhary, Advocate
		Mr. Amresh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State as well as learned counsel for the informant.

02. In the present case, the petitioners are apprehending their arrest in connection with Awtar Nagar P.S. Case No. 328 of 2024 registered for the alleged offence under Sections 126(2), 118(1), 115(2), 109 of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, in the background of drainage of sewer water, the petitioners assaulted the informant with *lathi*, *danda* and iron rod, causing fracture of the head of the informant. When the daughter-in-law of the informant intervened, she was also assaulted.



04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The FIR has been registered after delay of three days for which there is no satisfactory explanation. On the date of occurrence, i.e., on 03.11.2024, the petitioner no. 1 was not present at his native place rather he was at Andhra Pradesh where he is doing private job in a construction company. Even then the informant dragged him in the present case. There is land dispute between the family of the petitioners and the family of the informant since long. Even the reason for occurrence has been mentioned in the FIR itself that it took place due to drainage of sewer water. Learned counsel further submits that the informant somehow received injuries after fall and taking advantage of the incident, she dragged the petitioners in the present case. The injury report of the informant shows she received injury of 4cm in length and 0.5mm.08mm deep cut on parietal region of head and another injury is body ache. The first injury is stated to be grievous due to fracture as opined in the injury report. The injury of daughter-in-law of the informant is only pain in hip joint and body ache. Learned counsel further submits that the petitioners are having clean antecedent.

05. Learned A.P.P. for the State as well as learned



counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that one of the injuries received by the informant is grievous as it is fracture of the head and the informant was hospitalized for her treatment. For this reason, the FIR was lodged after delay of three days.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the superficial nature of injury and further considering the possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Saran at Chapra in connection with Awtar Nagar P.S. Case No. 328 of 2024, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so



required by the learned trial court.

(Arun Kumar Jha, J)

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