

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21017 of 2025

Arising Out of PS. Case No.-107 Year-2024 Thana- KAJRAILI District- Bhagalpur

- 1. Sashi Kumar S/O Parmanand Modi @ Parmanand Chourasia R/O Village- Khurd Kajraili, P.S- Kajraili, Distt.- Bhagalpur.
- 2. Rahul Kumar S/O Parmanand Modi @ Parmanand Chourasia R/O Village- Khurd Kajraili, P.S- Kajraili, Distt.- Bhagalpur.
- 3. Mithun Kumar @ Mithun Kumar Chourasia S/O Parmanand Modi @ Parmanand Chourasia R/O Village- Khurd Kajraili, P.S- Kajraili, Distt.- Bhagalpur.
- 4. Parmanand Modi @ Parmanand Chourasia S/O Late Ghanshyam Modi R/O Village- Khurd Kajraili, P.S- Kajraili, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP
For the Informant : Mr. Rajeev Ranjan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-04-2025 Initially, it is submitted by learned counsel for the petitioners that during the pendency of the present petition, petitioner no. 3 (Mithun Kumar @ Mithun Kumar Chourasia) and petitioner no. 4 (Parmanand Modi @ Parmanand Chourasia) have been arrested. Accordingly, he does not want to pursue this application so far as it relates to them.

2. Heard learned counsel for the petitioners, learned APP for the State, and learned counsel for the informant.

3. Petitioner nos. 1 and 2 apprehend arrest in



connection with Kajraili P.S. Case No. 107/2024, lodged on 18.10.2024, for offences punishable under Sections 126(2), 115(2), 110, 303(2), 352, 351(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

4. According to the prosecution, petitioner nos. 1 and 2, along with others, forcibly snatched the key from the Amin. When the informant's son asked them to return the key, all four accused persons allegedly assaulted him using bricks, lathis, and *khanti*, resulting in injuries to the informant's side. Thereafter, they fled from the scene after throwing the key and allegedly took away ₹15,000 from the pocket of the informant's son.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. It is further submitted that the alleged occurrence took place on 16.10.2024, while the F.I.R. was lodged on 18.10.2024, indicating an unexplained delay of two days. The petitioners have clean antecedents, and the allegations made against them are vague, general, and omnibus in nature. Counsel also contends that there is a case and counter-case between the parties, as the petitioners have lodged Kajraili P.S. Case No. 108/2024 concerning the same date and place of occurrence. From a reading of the F.I.R., it is evident that the dispute arose



out of the measurement of land, which led to a scuffle between both parties. It is therefore argued that no specific offence is made out against the petitioners based on the allegations in the F.I.R.

6. Learned APP for the State opposes the prayer for bail.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that specific allegations of causing injuries have been made. The injury report indicates that the injuries sustained were grievous in nature. He further submits that the trial court, while rejecting the bail application of the petitioners, took cognizance of the said injuries and noted the same in the order sheet. Hence, he prays that bail may not be granted.

8. Upon perusal of the records and materials available, this Court finds that scuffling did take place between both sides, and injuries were sustained by individuals on both sides. The dispute appears to have arisen out of the land measurement process. Considering the fact that a case and counter-case have been lodged between the parties arising from the same incident, this Court is inclined to grant the privilege of anticipatory bail to petitioner nos. 1 and 2. Accordingly, let petitioner nos. 1 and 2,



above-named, be released on bail in the event of arrest or surrender before the Trial Court within four weeks from today, upon furnishing bail bonds of ₹30,000/- (thirty thousand) each as prescribed under Section 2(1)(d) of the **Bharatiya Nagrik Suraksha Sanhita, 2023**, to the satisfaction of the Judicial Magistrate, 1st Class, Bhagalpur, in connection with **Kajraili P.S. Case No. 107/2024**, subject to the conditions laid down under Section 482(2) of the **Bharatiya Nagrik Suraksha Sanhita, 2023**.

(Dr. Anshuman, J)

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