

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21114 of 2025

Arising Out of PS. Case No.-570 Year-2024 Thana- JAHANABAD District- Jehanabad

Ajay Kumar S/O Late Akhilesh Kumar Village- Dana Dihari, P.S.- Paras
Bigha, Dist.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Shekhar Dwivedi

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-04-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Jehanabad Police Station Case No. 570 of 2024,
disclosing offences under Sections 126(2), 115(2), 109, 324(4),
117(2), 74, 3(5) of the BNS, 2023.

3. As per the prosecution case, on 21.07.2024, in
the night at about 9 p.m. when the informant parked his
motorcycle in the narrow lane, in the meanwhile, petitioner
along with other accused persons armed with lathi danda, iron
rod, etc., assaulted him. On noise being made, the son of the
informant, Kaushal Pandey, and Nityanand Pandey, and his
nephew, Suraj Pandey, and daughter, Chandni Kumari, arrived
and all the accused persons assaulted him and his family



members. It has further been alleged that the petitioner along with co-accused Anshu Kumar assaulted Suraj Kumar Pandey and Kaushal Kumar Pandey on their head due to which they sustained head injury. Subsequently, petitioner and co-accused Anshu Kumar together assaulted Vivekanand Kumar with lathi danda and rod due to which his right hand got fractured. The petitioner and co-accused Anshu Kumar tried to drag the informant's daughter by her cloth due to which her cloth was torn.

4. Learned Counsel for the petitioner submits that petitioner is having no criminal antecedent and he has falsely been implicated in this case due to dispute between the neighbors on the ground of parking of the motorcycle in the narrow lane. A counter case has been filed by the side of the petitioner who happens to be the uncle (fufa) of the petitioner. The injuries caused to victims Hans Kumar, Suraj Kumar Pandey, Kaushal Kumar Pandey and Nityanand Pandey are simple in nature. The injury caused to Vivekanand Pandey is on the non-vital part of the body i.e., fracture of 5th metacarpal bone bracket (proximal end).

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail of



the petitioner and submits that petitioner was called by the informant of the second case bearing Jehanabad P.S. Case No. 569 of 2024 and he assaulted the informant and his family members. From perusal of the impugned order, it appears that due to assault made by the petitioner upon Vivekanand Pandey, he sustained grievous injury.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is a case and counter case between the parties, the occurrence has taken place on the ground of parking of the motorcycle, the injuries sustained by the victims are on the non-vital part of the body i.e., fracture of 5th metacarpal bone, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Jehanabad Police Station Case No. 570 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section



482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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