

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21599 of 2025

Arising Out of PS. Case No.-16 Year-2024 Thana- NANIJOR District- Buxar

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1. Harendra Chaudhary S/o- Late Baikund Chaudhary Village - Shivpuri Ward no. 5 , P.S. Shahpur , District Bhojpur
 2. Prashant Chaudhary S/o- Harendra Chaudhary Village - Shivpuri Ward no. 5 , P.S. Shahpur , District Bhojpur
 3. Ram Chandra Yadav S/o- Dhanpati Yadav Village - Barki Mainijor, P.S. Nainijor , District- Buxar
 4. Lalbihari Yadav S/o- Ramchandra Yadav Village - Barki Mainijor, P.S. Nainijor , District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 15-05-2025 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 Nainijor (Brahampur) Police Station Case No. 16 of 2024, disclosing offences under Sections 191(2), 191(3), 190, 126(2), 115(2), 117(2), 352, 109(1), 303(2) of the BNS, 2023 and Section 27 of the Arms Act.
3. As per the prosecution case, on 28.10.2024, informant received information that his ancestral agricultural land (Plot No. 132, Account No. 739, Area 40 bigha) in Mauza



Akasia, Nainijor West Diara was being illegally ploughed by several individuals from nearby villages, armed with weapons and backed by 15–20 unknown men. When the informant and his relatives tried to stop them, they were abused and violently attacked. Petitioner no. 1 assaulted the informant on the head by means of axe, thereby causing head injury. Other relatives, including Dheeraj Tiwari, were also badly injured. Later, informant's brother Ram Sagar Tiwari and relative Narendra Tiwari arrived with licensed firearms to protect the informant, but the accused persons attacked them and looted their weapons. The victims were seriously injured and referred to PMCH Patna for treatment.

4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged. No such occurrence as alleged by the informant has ever taken place. The present case is counterblast to the case lodged by the side of the petitioner no. 3 bearing Nainijor (Brahampur) P.S. Case No. 15 of 2024. There is no specific allegation or any overt act against the petitioners. The present occurrence took place due to land dispute between the parties and a title suit bearing No. 601 of 2023 is pending before Sub Judge-1st Dumraun.



5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that injury caused to the informant by petitioner no. 1 is simple in nature and petitioner no. 2 is a student, aged about 19 years, having no criminal antecedent, I am inclined to grant the petitioner nos. 1 and 2 privilege of anticipatory bail.

6. Insofar as petitioner no. 4 is concerned, he is having 3 criminal antecedents and injuries caused to the informant and his pattidars by petitioner no. 4 has been opined as grievous in nature, accordingly, I am not inclined to grant the petitioner no. 4 privilege of anticipatory bail.

7. Petitioner no. 3 has been arrested during the pendency of this application.

8. This application is, accordingly, allowed to the extent indicated above.

9. Let the petitioner nos. 1 and 2, above named, in the event of their 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, Buxar, in connection with Nainijor (Brahampur) Police Station Case No. 16 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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