

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21909 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- SHEKHPURA District- Sheikhpura

1. Jitendra Kumar Son of Late Shiv Kumar Prasad @ Shiv Saw Resident of Mohalla -Gola Road, Katra Chowk PS -Sheikhpura, Dist- Sheikhpura
2. Dharmendra Kumar son of Late Shiv Kumar Prasad @ Shiv Saw Resident of Mohalla -Gola Road, Katra Chowk PS -Sheikhpura, Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Gupta, Adv.
For the Opposite Party/s	:	Mr. Anish Chandra, App.
For the Informant	:	Mr. Satish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-04-2025 1. Heard Mr. Dinesh Kumar Gupta, learned counsel for the petitioners through virtual mode, Mr. Satish Kumar, learned counsel for the informant and State through physical mode.

2. This application, for grant of anticipatory bail, arises out of Sheikhpura Police Station Case No. 04 of 2025, disclosing offences under Sections 126(2), 115(2), 109, 117(2), 352, 3(5) of the BNS, 2023.

3. As per the First Information Report, on 08.01.2025, petitioners along with other accused persons total 8 in numbers assaulted the informant by rod, bricks, stones, pistol, etc. It has further been alleged that petitioner no. 1 assaulted the



informant on his head by iron rod and co-accused Ravi Kumar assaulted the informant with lathi due to which hand of the petitioner got fractured. It has further been alleged that petitioner no. 2 along with others assaulted with lathi.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case due to dispute regarding flour mill which according to the informant was established in partnership and continued for about one year in 2018-2019. The informant has allegedly invested Rs. 15 lakhs but profit or the principal have not been returned to the informant. He further submits that due to dispute regarding mill, previous litigations are pending between the parties and the cases which have been referred to in paragraph 3 of the bail application against the petitioners were lodged by the informant or his side. A counter case has been lodged by the brother of the petitioners bearing Sheikhpura, P.S. Case No. 05 of 2024 for an incident which has taken place on the same date and time. The side of the petitioners have also sustained injury. Referring to the injury report of the informant, learned counsel submits that the informant has sustained simple injury on his head, however, the injury on the wrist/hand of the informant has been opined as grievous in nature but the same is not attributable to the



petitioners. The allegation of assault on the hand of the informant is against co-accused Ravi Kumar who is not the petitioner.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that petitioners are having criminal antecedent and they are not returning the invested amount in the flour mill. He further submits that the injury caused to the informant is grievous in nature as opined by the doctor as would be evident from Annexure 4 to this application.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is a previous litigation/dispute between the parties regarding flour mill, the injury caused to the informant due to assault of petitioner no. 1 is simple in nature and there is general and omnibus allegation of assault by lathi on petitioner no. 2, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioners, 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,
Sheikhpura, in connection with Sheikhpura Police Station Case
No. 04 of 2025, 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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