

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24935 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- AANDAR District- Siwan

Lal Babu Singh S/o Late Shiv Prasad Singh @ Shiv Prasan Singh R/o Village-
Saidpura, P.S.- M.H. Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Saket Gupta, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 2 21-05-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.
2. A prayer for bail has been made on behalf of the
petitioner in connection with Aandar P.S. Case no.09 of 2025
registered under section 126(2), 115(2), 109(1), 352 and 351(2)
of B.N.S, 2023.
3. The allegation in the F.I.R is that the dispute had
taken place between the injured Ras Bihari Singh and the
petitioner Lal Babu Singh. It is alleged that the petitioner locked
the said Ras Bihari Singh in his house and assaulted him due to
which he sustained injuries and thereafter, he was taken to
Primary Health Center for treatment and then referred to Sadar
Hospital. Earlier also there was quarrel between them for which



cases had been filed by both sides.

4. Learned counsel for the petitioner submits that it would be apparent from the F.I.R itself that both the parties are on litigating terms with each other and earlier a civil litigation was also being contested by both the parties with regard to which Annexure-2 which is *jamabandi* cancellation case has been brought on record. Learned counsel for the petitioner also referred to complaint case filed by the wife of the present petitioner against the injured person Ras Bihari Singh and his family members. Injury report of Ras Bihari Singh is on record which would show that he sustained five injuries, out of which two are simple in nature and other three are grievous in nature but on non-vital parts of the body and hence no intention to cause death can be read into the allegations and as such Section 109 of the B.N.S. would not be applicable. The petitioner is in custody since 10.01.2025 and undertakes to cooperate in the case/trial. Charge-sheet has been submitted in the case.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel appearing for the victim as the informant is a chowkidar. Learned counsel for the victim submits that the victim has been brutally assaulted by the petitioner and serious injuries have been caused on account



thereof. He further submits that the petitioner has two criminal antecedents. In response, learned counsel for the petitioner submits that both the cases are under bailable section and have been lodged at the instance of present injured Ras Bihari Singh. It has been submitted on behalf of the petitioner that the informant is a chowkidar and is not an eye witness to the incident. It has also not been disclosed why no other family member or co-villager became the first informant.

6. Taking into consideration the above mentioned facts and circumstances of the case, the petitioner is directed to be enlarged on bail in connection with Aandar P.S. Case no.09 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan.

(Soni Shrivastava, J)

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