

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23563 of 2025

Arising Out of PS. Case No.-273 Year-2024 Thana- GOPALPUR District- Gopalganj

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1. Manisha Kumari D/O Ramashankar Singh R/O Village- Tulachhapar (Natawa), P.S- Gopalgpur, Distt.- Gopalganj.
 2. Rakesh Singh S/O Ramashankar Singh R/O Village- Tulachhapar (Natawa), P.S- Gopalgpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Gopalgpur P.S. Case No. 273 of 2024, dated 09.11.2024, lodged under Sections 126(2), 115(2), 118(1), 109(1), 351(2), 352, 303(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, FIR has been lodged against six named accused persons, including the present petitioners, alleging that petitioner No. 1 attacked the informant on the head with a dab, and petitioner No. 2 attacked the informant’s son on the head with a dab, causing injuries.

4. Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. Counsel



further submits that both the petitioners and the informant are agnates, and from the contents of the FIR, it transpires that the dispute arose over the cutting of bamboo. One party claims that the bamboo is on his land, while the other party claims that it is on his land. Counsel further submits that the petitioner has no criminal antecedents. Counsel also submits that for the same date and place of occurrence, there is a case and a counter-case between both parties. The petitioners' side has lodged Gopalpur P.S. Case No. 274 of 2024, and the informant's side has lodged Gopalpur P.S. Case No. 273 of 2024.

5. Counsel for the petitioners further submits that upon bare reading of the FIR, it transpires that the informant first attacked the father of the petitioners, and with a view to save him, a scuffle took place, due to which injuries were caused to the informant's side. Counsel further submits that the injury report is annexed as Annexure-4, and from the said report, it becomes crystal clear that all the injuries are simple in nature and caused by hard and blunt substances, whereas the injury caused to Hirdaya Singh, as mentioned in Annexure-5, is by sharp cutting weapons.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is a specific



allegation against the petitioners that they assaulted the informant and his son with a dab on the head, due to which injuries were caused.

7. Learned APP for the State opposes the prayer for bail of the petitioners.

8. Upon the allegations made in the FIR, it transpires to this Court that the dispute arose over the cutting of bamboo, with both parties claiming the land to be their own, and injuries were caused to both sides.

9. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of C.J.M. 1st, Gopalganj, in connection with Gopalpur P.S. Case No. 273 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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