

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24180 of 2025

Arising Out of PS. Case No.-159 Year-2024 Thana- DANIYAWAN District- Patna

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Bijendra Ind @ Birendra Bind @ Birendra Bind @ Bijendra Prasad @
Bijendra Bind @ Kailu Bind S/O Late Shiv Narayan Prasad R/O Village-
Ismailpur, P.S- Damiyawan, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Singh, Adv.
Mr. Prabhat Kumar Singh, Adv.
For the Opposite Party/s : Mr. M. K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Daniyawan P.S. Case No. 159 of 2024, registered for the offences punishable under Sections 191(2), 126(2), 115(2), 109, 76, 303(2) 324(4), 324(5), 333, 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly while the informant and others were engaged in construction work, in the meantime, all the FIR named accused persons came there and restrained them to construct and also started abusing and assaulting. When the act of the accused persons were protested, on the exhortation made by the petitioner, all the FIR named accused persons brutally assaulted the informant and her wife, as also



misbehaved with her, apart from there is allegation of snatching.

4. Learned Advocate for the petitioner referring to the FIR contended that save and except the allegation of making exhortation, there is nothing that the petitioner has assaulted any of the person of the informant's side. It is further contended that in fact the dispute has arisen on account of encroachment of the land and there is a complaint case bearing No. 946 of 2024 registered by the petitioner family on 27.08.2024 before the learned ACJM 1st Patna City. It is also contended that other co-accused persons against whom there is allegation of assault and snatching the valuables, they have been accorded the privilege of anticipatory bail by the learned court below itself, copy of which is placed on record. It is lastly contended that in fact due to noncommunication of the criminal case of the petitioner before the court below, prayer for bail of the petitioner was negated; moreover the petitioner has disclosed that he bears two criminal antecedent, but the same is of the year 2019.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the petitioner has made active participation and in fact it is on his dictate all the accused persons have assaulted the informant and his wife.



6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, coupled with the fact that none has sustained any serious injury; moreover there is case and counter case and the persons having identical allegation have been allowed the privilege of anticipatory bail by the court below itself, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Patna City in connection with Daniyawar P.S. Case No. 159 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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