

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24313 of 2025

Arising Out of PS. Case No.-338 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. Chatilal Prasad S/O Late Ramprit Prasad R/O Vill.- Rampali, P.S.- Maharajganj, Dist.- Siwan
2. Rajesh Parasad S/O Late Baskit Prasad R/O Vill.- Rampali, P.S.- Maharajganj, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-05-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Maharajganj P.S. Case No. 338 / 2022 dated 06.12.2022 registered under Sections 341, 323, 324, 326, 504, 506 / 34 of the I.P.C.

3. As per the F.I.R. on 04.12.2022 at 6:30 P.M. while the informant was at his doorstep the petitioners along with other accused persons, total thirteen in number, attacked upon him with sticks, rods, bricks, slippers etc. The petitioner no. 1 / Chhatilal Prasad assaulted the informant on the head with rod causing severe injuries due to which he became unconscious. To save the informant, his son Sunil Prasad and grandson Nilesh



Kumar intervened however the petitioner no. 2 / Rajesh Prasad allegedly assaulted the son of the informant with kicks and fists on his ribs causing severe pain.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case due to ulterior motive. It is submitted that there is admitted land dispute between the family of the petitioners and the informant and the side of petitioners has earlier lodged Maharajganj P.S. Case No. 164 / 2022 against the informant and others. It is further submitted that the petitioner no. 1 has earlier lodged Maharajganj P.S. Case No. 337 / 2022 against the informant and his family members for an occurrence which has taken place on the same date and time. The present incident occurred due to dispute relating to flowing of drainage water.

5. Regard being had to the submissions made by the parties, taking into consideration the fact that the informant sustained lacerated wound over head size 0.25" x 0.5" x 0.5" which has been opined by the doctor as grievous in nature inflicted by the petitioner no. 1 accordingly I am not inclined to grant anticipatory bail to the petitioner no. 1. The prayer for anticipatory bail to the petitioner no. 1 is rejected.

6. Insofar as the petitioner no. 2 is concerned, it is alleged



that he inflicted injury to the son of the informant which has been opined by the doctor as simple injury. Accordingly I am inclined to grant anticipatory bail to the petitioner no. 2.

7. Let the petitioner no. 2, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-I, Siwan in connection with Maharajganj P.S. Case No. 338 / 2022 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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