

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23866 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- KAJRA District- Lakhisarai

1. Neelam Kumari @ Nilam Devi W/O Rajesh Kumar @ Rajesh Yadav Resident of Village- Sahmalpur, P.S.- Kajra, District-Lakhisarai.
2. Rajesh Kumar @ Rajesh Yadav S/O Bisheshwar Yadav Resident of Village- Sahmalpur, P.S.- Kajra, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Irshad, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 16-05-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 115, 126, 190, 191(3), 118(2), 117(2), 109(1), 303(1), 76, 324(1), 352 and 351(3) of the BNS.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is a woman and the informant alleges that accused persons including the petitioners on 13.11.2024 entered his house and started abusing. On objection, Rajesh Kumar @ Rajesh Yadav (petitioner no. 2) assaulted the informant by an iron rod causing



injury on his head. Further, rest of the accused assaulted his cousin sister and mother and Ravi assaulted the mother of the informant by rod causing fracture of her hand and also assaulted her on her head and Rajesh Kumar (petitioner no. 2) acted inappropriately with his sister and other accused took Rs.38,000/- and gold Mangalsutra of his mother.

4. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant who claims to be an eyewitness specifically alleges that Rajesh Kumar (petitioner no. 2) assaulted him by an iron rod causing injury on his head. It is further submitted that informant has not suffered any injury.

5. The said submission of the learned counsel appearing on behalf of the petitioners is not rebutted by the learned counsel appearing on behalf of the informant.

6. Learned counsel for the petitioners submits that thereafter the informant alleges that Rajesh Kumar (petitioner no. 2) along with other accused persons assaulted his sister and mother while Ravi assaulted his mother by rod causing fracture of hand and also assaulted her on her head. It is further submitted that specific allegation of assaulting the mother of the informant is against Ravi who is alleged to have assaulted her



on head as well as on her hand.

7. Learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners and submits that though in the FIR, it is alleged that Ravi assaulted his mother by rod causing fracture of hand and thereafter also assaulted her on her head but then the statement of the mother of the informant was recorded by the police under Section 180 BNSS wherein she has stated that Rajesh Kumar (petitioner no. 2) assaulted her on her head and Ravi assaulted her on her hand. It is submitted that even the injury suffered by the mother of the informant on head is opined to be simple in nature and the blow is not alleged to have been repeated while the informant specifically alleges that it was Ravi who assaulted her but then it appears that in order to rope in all the accused persons the injured in her statement recorded that Rajesh Kumar (petitioner no. 2) assaulter her on her head. It is submitted that petitioners are not the criminals.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

9. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court



below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Kajra P.S. Case No. 122 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

