

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24315 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- ATHMALGOLA District- Patna

1. Jhulan Singh S/O Late Maran Singh R/O Village- Kashimpur Dodhi (Darhi), P.S- Athmalgola, Distt.- Patna.
2. Ritesh Kumar S/O Kedar Singh R/O Village- Kashimpur Dodhi (Darhi), P.S- Athmalgola, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. Pushpa Sinha

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 Athmalgola P.S. Case No. 18 of 2025 dated 15.01.2025 registered under Sections 191(1), 191(2), 126(2), 115(2), 109(1), 74, 308(4), 352, 351(2) of the B.N.S. 2023.

3. As per the first information report on 14.01.2025 at about 3:00 Hours the petitioners along with seven other persons arrived at the door of the informant and started demanding Rs. 10 lakh for construction of house. It has further been alleged that a few days ago on 09.01.2025 an encroachment proceeding was initiated and the Circle Officer, Athmalgola removed the encroachment and they thought that in removal of the encroachment informant's hand was there. The petitioner no. 1



assaulted the informant with iron rod on his head and petitioner no. 2 assaulted informant's aunt Sita Devi on her face with the pistol butt due to which her tooth was broken.

4. Mr. Krishna Prasad Singh, learned senior counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated due to the fact that encroachment proceeding was initiated and some encroachments were removed but the side of the petitioners were not the encroachers. A counter case has been lodged by the side of the petitioners against the informant and others bearing Athmalgola P.S. Case No. 17 / 2025 (annexure - P/2) in which the side of the petitioners have also sustained injury. The injury caused to the informant is simple in nature as would be evident from the injury report annexed as Annexure: P/4. Injury caused to Sita Devi has not been brought on record by the prosecution.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that there is specific allegation of assault against the petitioners. The process under section 82 Cr.P.C. has been issued on 07.04.2025 and as per his instruction process under section 83 Cr.P.C. has also been issued on 01.05.2025.



6. In reply, learned counsel for the petitioners submits that process under section 82 Cr.P.C. has been issued on 07.04.2025 and anticipatory bail was rejected by ADJ IV, Barh on 19.03.2025 and immediately thereafter present application has been filed before this court and as per his instruction process under section 83 Cr.P.C. has not been issued and only record has been called for from the Circle Officer, Athmalgola.

7. Having heard learned counsel for the parties, taking into consideration the nature of offence, circumstances of the case, the fact that both the parties are neighbours, there is case and counter case between them, both sides have sustained injury, injury caused to the informant is simple in nature and no injury report has been brought on record of the injured-Sita Devi, as such, in the aforesaid background I am inclined to grant anticipatory bail to the petitioners.

8. Let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Barh, Patna in connection with Athmalgola P.S. Case No. 18 of 2025



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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