

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26499 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- ASHTHAWAN District- Nalanda

Bindeshwari Chaudhary Son Jamur Chaudhary R/O Village- Lakhubigha,
P.S.- Ashthawan, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Ashthawan P.S. Case No. 01/2025 registered for the offences punishable under Sections 126(2), 115(2), 352, 109, 117(2), 190 & 191(2) of the B.N.S.S.

3. As per prosecution case, petitioner and others are said to have abused and concertedly assaulted the informant, her husband and her son by means of rod and sword and they sustained severe injuries. It is alleged that the informant sustained head injury and bones of her hand and leg got fractured.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR. The petitioner bears one criminal antecedent in which he is on bail. He further submits that occurrence took place on 31.12.2024 and FIR lodged on 01.01.2025. He further submits that the present case is nothing but the counter blast of the case lodged by the wife of co-accused Binod Chaudhary. He further submits that prosecution story of the present case does not reveal the story earlier lodged by the wife of said co-accused which casts doubt upon the authenticity of the present FIR. He further submits that there is no specific allegation against the petitioner, rather the allegations are general and omnibus in nature. There is case and counter case between the parties and free fighting cannot be ignored. He further submits that though there is allegation of assault against the petitioner also but there is no repetition of rod blow upon the head of the informant. He further submits that the impugned order reflects that informant sustained fracture injury in hand and leg which is grievous in nature but the same is on non-vital parts of the body.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, there is no specific allegation against the petitioner, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of learned C.J.M., Bihar Sharif, Nalanda in connection with Ashthawan P.S. Case No. 01/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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