

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27545 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- CHANAN District- Lakhisarai

1. Sanjay Saw S/O Ganauri Saw Resident of Mananpur Bazar, PS- Chanan, District- Lakhisarai
2. Sikandar Saw @ Sikandar Kumar S/O Ganauri Saw Resident of Mananpur Bazar, PS- Chanan, District- Lakhisarai
3. Raushan Kumar S/O Sanjay Saw Resident of Mananpur Bazar, PS- Chanan, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Adarsh Singh, Adv. Mrs. Priyanka Singh, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Chanan P.S. Case No. 35 of 2025, dated 18.03.2025, lodged under Sections 126(2), 115(2), 117(2), 118(1), 191(2), 352, 351(2), 303(2) and 109 of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against eight named accused persons, including the present petitioners, alleging that they, all of a sudden, attacked the informant's house at around 08:30 PM when he was returning home, and started putting pressure claiming that the wall of his house belongs to the petitioner. Upon his assurance that he would provide it while



stating that they have no money, thereafter, they all started assaulting the informant and fled away. The informant then went to Lakhisarai Hospital.

4. Learned senior counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that there is only general and omnibus allegation, and that both the petitioners and the informant belong to the same family and are involved in a dispute over a common wall. Counsel also submits that there is a case and counter-case arising from the same date and place of occurrence. The petitioners' side has lodged Chanan P.S. Case No. 38 of 2025, while the informant's side has lodged Chanan P.S. Case No. 35 of 2025. Counsel further submits that against petitioner No. 2, namely, Sikandar Saw, there is absolutely no whisper of any specific act or overt act committed by him. As for petitioner No. 3, the allegation is that he assaulted the informant with a lathi and fists, and against petitioner No. 1, that he used a rod. However, since both a case and counter-case exist, and the injury report attached as Annexure-3 does not support the informant's version, showing only simple injuries caused by a hard and blunt substance, counsel submits that anticipatory bail may be granted to the petitioners.

5. Learned APP for the State opposes the prayer for



bail of the petitioners and submits that there is a specific allegation against petitioner No. 1 that he assaulted the informant on the head with an iron rod. Similarly, against petitioner No. 3, there is an allegation of assault with a lathi and fists. There is specific and direct allegation of assault by petitioner No. 1 with an iron rod.

6. As such, in the present facts and circumstances of this case, let the petitioner No. 2, namely, Sikandar Saw @ Sikandar Kumar, and petitioner No. 3, namely, Raushan Kumar, be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of A.C.J.M., I, Lakhisarai, in connection with Chanan P.S. Case No. 35 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. So far as the bail application of the petitioner No. 1, namely, Sanjay Saw is concerned, his bail application is hereby **rejected**.

(Dr. Anshuman, J.)

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