

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30108 of 2025

Arising Out of PS. Case No.-560 Year-2024 Thana- CHAPRA TOWN District- Saran

1.

Jitendra Gupta @ Jitendra Kumar Gupta S/O Surya Prasad Sah R/O Mohalla- Bada Telpa, P.S- Chapra Town, Distt.- Saran, Bihar.
2.

Rajesh Gupta @ Rajesh Kumar Gupta S/O Surya Prasad Sah R/O Mohalla- Bada Telpa, P.S- Chapra Town, Distt.- Saran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar
For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2

16-05-2025

1.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2.

This application, for grant of anticipatory bail, arises out of Chapra Town Police Station Case No. 560 of 2024, dated 16.09.2024, disclosing offences under Sections 126(2)/115(2)/117(2)/109/352/3(5) of the Bhartiya Nyaya Sanhita.

3.

The prosecution case, as per the First Information Report, is that on 13.09.2024, at about 08:00 AM in the morning, while the informant was reconstructing the wall of temple in his neighbourhood, all the accused persons, including the petitioners, arrived there, armed with daab (sharp cutting weapon) and the petitioners assaulted the informant with daab on his head causing two injuries.



4. Learned counsel for the petitioners submits that the occurrence has taken place due to land dispute between the parties pertaining to the land of temple. He next submits that the doctor has examined the injuries, but nature of injury has not been given by the doctor caused by sharp cutting weapon, as would be evident from the Annexure-P/3 of the informant.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is specific allegation of assaulted on informant against the petitioners by sharp cutting weapon and the doctor has found the injuries on vertex of size 3"x1/2" SD (scalp deep) caused by sharp cutting weapon, I am not inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, rejected.
7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit without being prejudiced that anticipatory bail of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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