

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31915 of 2025

Arising Out of PS. Case No.-159 Year-2024 Thana- Mufassil District- Khagaria

1. Navin Singh @ Navin Kumar Singh S/o- Brahamdeo Singh Village- Rankodih, P.S. Muffasil, Distt. Khagaria
2. Kamlesh Singh S/o- Late Narayan Singh Village- Rankodih, P.S. Muffasil, Distt. Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Singh, Advocate
For the State	:	Mr. Uday Chand Prasad, APP
For the Informant	:	Mr. Mukul Kumar, Adv. Mr. Anil Kumar Singh, Adv. Mr. Sumit Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State as well as learned counsel for the informant.

02. In the present case, the petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 159 of 2024 (G.R. No. 3589 of 2024) registered for the alleged offence under Sections 126(2), 115(2), 109, 117(2), 76, 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, petitioners and other co-accused persons started barricading the land in front of gate of the house of one Pramod Singh and when the husband of the informant who has been working as caretaker stopped them



from doing so, the petitioners and other co-accused persons put down the informant and her husband and tore the blouse and *saree* of the informant. The petitioner no. 1 hit the husband of the informant with iron rod, petitioner no. 2 struck him with *lathi* and other co-accused persons hit the husband of the informant with iron rod and spade, causing fracture of his head and hand. The petitioner no. 1 also received the injury in his this fracas. It further transpires that a compromise of some sort was arrived at between the parties and for this reason, the informant did not report the matter earlier to the police.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. There is general and omnibus allegation against the accused persons. The petitioners and Pramod Singh are agnates and co-sharer. In front of the house of Pramod Singh, there was a land in which temple was being constructed and as the husband of the informant has stopped the work of temple, which resulted in free fight between two groups. For the land dispute, a title suit bearing No. 119 of 2017 is also pending before the court of learned Sub Judge-I, Khagaria. Learned counsel further submits that the FIR has been lodged after lapse of more than six months and there is no



satisfactory explanation for the same. Learned counsel further submits that it is also apparent from the FIR that petitioner no. 1, Navin Singh, also received injury, which is greivous in nature. On the same date, i.e., 01.05.2024, the petitioner no. 1 has lodged Mufassil P.S. Case No. 48 of 2024 under Sections 341, 323, 379, 307, 504, 506, 34 of IPC against the informant and others. There could be no applicability of Section 109 of BNS in the given facts and circumstances of the case. Learned counsel further submits that the injury report shows bleeding from nose, swelling and tenderness over the nose. Further, tenderness and swelling over scalp has also been noted and the third injury is an abrasion over back of trunk of size 7 cm x 5cm. This falsifies the claim of assault by the petitioner no. 1 with iron rod. The petitioners are having clean antecedent.

05. Learned APP for the State as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that there is specific allegation against the petitioners for causing injuries on the person of the informant and one of the injury is treated to be grievous.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



non-serious nature of injuries allegedly caused by the petitioners and further considering their clean antecedent and delayed lodging of FIR, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Muffasil P.S. Case No. 159 of 2024, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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