

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35310 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- RAJPUR District- Buxar

1. Brij Lal Choubey @ Braj Lal Choubey son of Lal Bahadur Choubey Village- Rasen Khurd, PO and PS -Rajpur, Distt -Buxar
2. Nand Lal Chaoubey son of Lal Bahadur Choubey Village- Rasen Khurd, PO and PS -Rajpur, Distt -Buxar
3. Lal Bahadur choubey Son of Late Suryanath Choubey Village- Rasen Khurd, PO and PS -Rajpur, Distt -Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Mira Kumari, Adv.
For the State	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 05-08-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. Vide earlier order dated 09.07.2025, this application on
behalf of petitioner no.1 was dismissed as withdrawn.

3. Now, this application survives only for petitioner nos. 2
& 3.

4. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 126(2),
115(2), 109, 49, 352, 3(5) of the B.N.S., 2023.

5. The allegation in the FIR is that the accused persons
including the petitioners have assaulted the father of the



informant on his head and hand causing injuries.

6. Learned counsel for the petitioners submits that from a bare perusal of the FIR, the allegations disclose that so far as petitioner no.3 is concerned, there is no overt act attributed but for an allegation of exhortation. So far as petitioner no.2 is concerned, the allegation against him is that of assaulting the father of the informant along with petitioner no.1. It is further submitted that there is an admitted land dispute between the parties for which a title suit is also pending and a counter case has also been filed against the informant and others by the wife of petitioner no.2. So far as the injuries are concerned, surprisingly, there is no injury report of the father of the informant on record, whereas the injury report of the informant himself is a part of the case diary which shows that the informant has sustained three injuries; two on the left forearm and one on the head. The injury on the head has been found to be simple in nature, whereas the injury on the left arm, which is a non-vital part of the body, has been found to be grievous in nature. It is also pointed out by learned counsel for the petitioners that both the petitioners have no criminal antecedent as mentioned in para 3 of the bail application.

7. Learned APP for the State, however, opposes the prayer



for bail.

8. Considering the fact that there is case and counter case and also that the grievous injury is on a non-vital part of the body of the injured, I am inclined to grant the privilege of anticipatory bail to petitioner nos. 2 & 3. Let petitioner nos. 2 & 3, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Rajpur P.S. Case No. 15 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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