

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32066 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- CHOUTARWA District- West Champaran

Nasir Mian Son of Late Gulab Mian Village -Mehadi PS-Chautarwa Dist-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Chautarwa P.S. Case No. 05 of 2025 registered for the alleged offence under Sections 126(2), 115(2), 118(1), 109, 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the minor daughter of the informant was married with son of the petitioner. On the date of occurrence, the petitioner and other co-accused persons were assaulting the minor daughter of the informant and when her sister intervened in the matter, this petitioner gave a *Garasa* blow on her head, causing fracture of her head. The assailants also assaulted the informant.

04. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. It seems the prosecution story is not believable why the petitioner will assault the sister of his daughter-in-law. Both parties are close relatives and there was no motive or intention to assault each other, rather in a bit of moment, some altercation and scuffle took place between the petitioner's side and the informant and her daughter. Learned counsel further submits that though there is allegation against the petitioner of giving *Garasa* blow but the injury report shows it was caused by hard and blunt object and nature of injury is stated to be simple. From the facts of the case, no offence under Sections 118(1) and 109 of IPC is made out against the petitioner. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of injury alleged against the petitioner and further considering the clean antecedent of petitioner and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Chautarwa P.S. Case No. 05 of 2025, 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 petitioner.
- (ii) The petitioner 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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