

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33670 of 2025

Arising Out of PS. Case No.-306 Year-2024 Thana- LAURIA District- West Champaran

Asarfi Mahato @ Asarfi Dhangar S/o Late Vishun Dhangar R/o vill - Paras
Dhangar toli, P.S.- Lauriya, Distt.- West champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Jha, Advocate Mr. Umesh Kumar Gupta, Advocate
For the State	:	Md. Fahimuddin, A.P.P.
For the Informant	:	Mr. Sarvesh Kashyap, Advocate Mrs. Kumari Akanksha Rai, Advocate Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-08-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Lauriya P.S. Case No. 306 of 2024, registered for the offences under Sections 191(2), 191(3), 190, 127(1), 115(2), 118(1), 109, 352 of the BNS.

3. As per the prosecution case, the petitioner and other co-accused persons brutally assaulted the husband of the informant and his nephew causing a number of injuries to them.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has



ever taken place. The allegation against the petitioner is that he gave *dab* blow to the husband of the informant and 9-11 persons assaulted the husband of the informant and his nephew. But the injury report of the husband of the informant shows a traumatic injury over head in cerebrum region of size 1.5 x 0.5 cm apart from pain tenderness and swelling over right hand and abrasion over left upper and lower limb and right upper rib. None of the injuries appears to be serious still the opinion has been given that nature of injury is grievous and caused by hard and blunt force. This falsifies the allegation against the petitioner of giving *dab* blow which is a sharp and heavy cutting weapon. Similarly, the injury of the other victim shows traumatic injury over left frontal side of size 1.5x0.5 cm and abrasion over left back and right lower limb and again the injury is said to be grievous, caused by hard and blunt force. But allegation is against 9-11 persons for brutally assaulting the husband and nephew of the informant but the injury report do not corroborate such assaults. The petitioner is in custody since 16.03.2025 and charge sheet has been submitted. The petitioner is having antecedent of one case.

5. Learned A.P.P. appearing for the State and learned counsel for the informant vehemently opposes the submission



made on behalf of the petitioner. Learned counsel for the informant submits that grievous injuries have been caused to the victims in the assault by the petitioner and other co-accused persons. However, the learned counsel is not able to show how the injury has been reported to be grievous and absence of injury caused by *dab*.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the absence of injury attributed to the petitioner and considering doubtful nature of allegation against the petitioner and further considering his period of custody and submission of charge sheet, the petitioner is directed to 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 CJM, West Champaran, Bettiah/concerned court, in connection with Lauriya P.S. Case No. 306 of 2024, subject to the condition laid down under Section 480(3) of the 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.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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