

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35146 of 2025

Arising Out of PS. Case No.-291 Year-2024 Thana- KASBA District- Purnia

Md. Ainul S/O Late Ajajul Resident of village- Ward No-11 Kadwa, P.S.-
Kasba, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Kasba P.S. Case No. 291 of 2024, dated 07.12.2024, lodged under Sections 126(2), 115(2), 110, 352, 351(2), 117(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”), pending before the Court of C.J.M., Purnea.

3. As per the prosecution, FIR has been lodged against five named accused persons, including the present petitioner. The specific allegation against the petitioner is that he assaulted the informant’s *bhabhi* with a *lathi*, resulting in a fracture of her hand.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that both parties are family members and there is an admitted land dispute between them. It is also submitted that the present case has been lodged after a delay. Counsel further states that the dispute arose due to the fact that mutation of the said land has been obtained in favour of the petitioner's family members, which led to a scuffle between the parties.

5. He also submits that the petitioner has a clean criminal antecedent and has not assaulted the informant's *bhabhi* intentionally, rather, the incident occurred in the heat of the moment. He assures that such an incident shall not happen again in the future.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is a direct allegation of assault against the petitioner, resulting in a fracture of the victim's hand.

7. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

8. It is directed to the petitioner to surrender before



the Trial Court within a period of 6 weeks from today. In case, the petitioner surrenders within six weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

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