

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35253 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

1. Prakash Kumar S/o Rajendra Prasad Resident of Village- Vinod Matihaniya, PS- Bishambharpur, Distt.- Gopalganj
2. Nirmala Devi W/o Rajendra Prasad Resident of Village- Vinod Matihaniya, PS- Bishambharpur, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners are apprehending arrest in connection with Bishambharpur P.S. Case No. 60 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 329(3), 329(4), 352, 351(3), 3(5) of the B.N.S.

3. As per prosecution case, it is alleged that Prakash Kumar (petitioner no. 1) is said to have assaulted on the head of the informant by means of iron *Rama* as a result of which he sustained injury and blood started oozing. It is further alleged that Nirmala Davi (petitioner no. 2) is said to have assaulted the informant by means of *Gadasi* and also snatched



gold chain worth Rs. 30000/- from the neck of the informant. In the last line of the prosecution story, it is claimed that informant's wife and villagers came for pacifying the matter and police came on information given by them on 112 number.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the first information report and they have been falsely implicated in this case. Learned counsel submits that though there is allegation of assault by means of iron *Rama* and *Gadasa* against both the petitioners respectively but the injuries sustained by the informant and his wife have been found to be simple in nature caused by hard and blunt substance, as is evident from the Injury Reports contained in Annexure- P/3 (series). The allegations levelled in the first information report is totally inconsistent with the injury report. He submits that there is case and counter case between the parties. Petitioner's side has also filed case against the informant's side vide Bishambharpur P.S. Case No. 61 of 2025 (Annexure-P/2). It is submitted that Nirmala Devi (petitioner no. 2) was attacked by the informant in which she suffered serious head injury. Petitioners and informant are agnates and on account of previous land dispute the present case has been lodged falsely



against the petitioners. In cases of land dispute, facts are generally exaggerated to make the offence graver. Petitioners bear clean antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Goptalganj in connection with Bishambharpur P.S. Case No. 60 of 2025, subject to the conditions as laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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