

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35342 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- KHAGARIA District- Khagaria

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1. Bipi Singh @ Bipi Kumar S/o Ram Prakash Singh Resident of Village Simra PS Gangaur District Khagaria
 2. Jay Jay Ram Singh S/o Ram Prakash Singh Resident of Village Simra PS Gangaur District Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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. The petitioners are apprehending their arrest in connection with Khagaria P.S. Case No. 43/2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 74, 3(5) of the B.N.S.

3. As per prosecution case, petitioners and others are said to have reached to the house of the informant with arms and started abusing the informant. Petitioner no. 1 came with pistol in his hand and petitioner no. 2 came with *iron rod* in his hand. It is further alleged that petitioner no.2 assaulted the informant by means of *iron rod* as a result of which he sustained head injury.



4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. Petitioners bear no criminal antecedent. He further submits that although there is specific allegation of assault against the petitioner no.2 but the injury of the informant is simple in nature. There is no allegation of repetition of blow on the head against petitioner no. 2. He further submits that there is specific allegation of assault against co-accused Raju Kumar who has assaulted Anjali Bharti by means of spade as a result of which she sustained head injury and the injury report of Anjali Bharti is grievous in nature and the same is caused by hard and blunt substance. He further submits that the injury of Lalan Kumar, Yashmit Kumar are simple in nature. He further submits that there is inordinate delay of two days in lodging the FIR as occurrence took place on 04.02.2025 and FIR lodged on 06.02.2025 and no plausible explanation has been given regarding the said delay, which questions the authenticity of the prosecution story. Both parties are next door neighbour. He further submits that there is land dispute between the parties and in the cases of land dispute facts are generally exaggerated to make the offence graver. He further submits that FIR has been lodged without signature of the informant. He further submits that alleged sections are bailable in nature except Section 109, 74 of B.N.S. which has been added to



make the case serious and non-bailable.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submitted that there is specific allegation against the petitioner no.2 who has assaulted the informant by means of *iron rod* as a result of which he sustained head injury and the same is corroborated by the injury report. Hence, petitioner no. 2 does not deserve anticipatory bail.

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 their arrest or surrender before the learned trial court 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 the learned C.J.M. Khagaria in connection with Khagaria P.S. Case No. 43/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.

7. Accordingly, the application stands allowed.

(Alok Kumar Pandey, J)

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