

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39360 of 2025

Arising Out of PS. Case No.-358 Year-2024 Thana- KALYANPUR District- East Champaran

1. Neyaj Ahmad @ Neyaj Ansari S/o Late Abdul Gani Resident of Vill.- Alakhbani @ Alkhbani, Ward no. 6, P.S.- Kalyanpur, Distt.- East Champaran
2. Arbaj Ahmad @ Arbaz Alam S/o Neyaj Ahmad Resident of Vill.- Alakhbani @ Alkhbani, Ward no. 6, P.S.- Kalyanpur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-07-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Kalyanpur P.S. Case No. 358 of 2024 dated 27.10.2024 registered under Sections 127(2), 115(2), 118(1), 118(2), 109, 352, 351(2), 351(3), 303(3) of the Bharatiya Nyaya Sanhita 2023.

3. As per the F.I.R. on 06.08.2024 at about 9 p.m. the sons of the informant were going on a motorcycle in the meantime the petitioners along with other accused persons surrounded them and started abusing. On protest, the petitioner no. 1 ordered to assault on which the petitioner no. 2 assaulted the informant's son namely, Shahanshah by means of sword due to which he



sustained injury on his head.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to village rivalry. He further submits that the wife of the petitioner no. 1 on the date of occurrence at i.e. on 06.08.2024 was sitting at her door in the meanwhile the informant and others arrived there and started assaulting the wife of the petitioner no. 1 and when the family members came to rescue they were also assaulted for which an F.I.R. bearing Kalyanpur P.S. Case No. 268 of 2024 was lodged on 09.08.2024 itself against the informant and others. Subsequently, thereafter the complainant / informant lodged a complaint on 26.10.2024 i.e. after 2 ½ months of the date of occurrence which was converted into present F.I.R. bearing Kalyanpur P.S. Case No. 358 of 2024. There is delay in lodging the present complaint / F.I.R. whereas the F.I.R. lodged by the petitioners' side was immediate. The injury caused to one of the sons of the informant which is attributable to the petitioner no. 2 is simple in nature. The petitioner no. 1 at best is an order giver.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that F.I.R. lodged by the side of the petitioners is prior in time and



after 2 ½ months from the date of occurrence the present complaint was lodged by the side of the informant which was converted into F.I.R., accordingly, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M.- XII, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 358 of 2024 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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