

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36079 of 2025

Arising Out of PS. Case No.-297 Year-2024 Thana- WARISNAGAR District- Samastipur

Santosh Kumar S/O Jalandhar Sah R/O Village- Gohi Naya Tola, P.s.-
Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Raj Ballabh Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 02-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Warisnagar P.S Case No. 297/2024 dated 12.12.2024 registered for the offence punishable u/s 126(2), 115(2), 118(1), 109, 303(2), 352 and 351(2) of the B.N.S.

3. As per the prosecution case, the petitioner and the co-accused persons were abusing the informant's mother and father. On protest, they started abusing the informant. In the meantime, the co-accused, Anjali Kumari ordered to kill the informant. On hearing this, the petitioner assaulted the informant on head with iron rod causing head injury. When the informant's son and daughter went to rescue, they were also



assaulted. During the course of scuffle, they snatched gold chain of the informant worth Rs. 1,40,000/- and they entered the house of the informant and looted Rs. 35,000/- and some documents.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a delay of 46 days in lodging the F.I.R. The petitioner is full brother of the informant. Learned counsel has submitted that the informant is habitual drinker due to which he fell on the ground and sustained injury. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the specific allegation of assault is against the petitioner. As per para. 22 of the case diary, the injury is grievous in nature.

6. Considering the aforesaid facts and circumstances of the case as well as specific allegation of assault against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the



prayer of the bail of the petitioner in accordance with law and
on its own merits without being prejudice by this order.

(Chandra Prakash Singh, J)

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