

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39634 of 2025**

Arising Out of PS. Case No.-38 Year-2025 Thana- JAMHOR District- Aurangabad

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Ram Janam Singh S/O Raghunandan Singh R/O Village- Gijna, P.S- Jamhore,
Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-06-2025 Heard Learned counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Jamhore P.S. Case No. 38 of 2025 lodged on 23.02.2025, for the offence punishable under Sections 126(2), 115(2), 109, 74, 333, 303(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against 5 named accused persons including the present petitioner. The specific allegation against the petitioner in the FIR is that he assaulted the informant's sister with a *lathi* in her stomach, due to which, she sustained injuries and was subsequently referred to a hospital for treatment.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner and informant are resident of same village and they are well known to each other. Counsel submits that due to land dispute, entire scuffling took place between the parties. Counsel also submits that for the same date and place of occurrence, there is a case and counter case i.e. one case has been lodged from the petitioners' side against the informant and others bearing Aurangabad Mahila P.S. Case No. 11 of 2025 and the present case has been lodged from the informant's side bearing Jamhore P.S. Case No. 38 of 2025. Counsel further submits from the contents of FIR, it become crystal clear that the date of occurrence was 10.02.2025, but the case was lodged on 23.02.2025 i.e. after delay of 13 days. Counsel submits that the petitioner is an old man, aged about 62 years and injuries have been caused to both the sides. Counsel further submits that the petitioner has no criminal antecedent and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is specific allegation against the present petitioner that he has assaulted the informant's sister and it is due to this reason, section 109 of the



B.N.S. has been added.

6. In the present facts and circumstances of this case, it transpires to this Court that there is lacking of ingredients of section 109 of the B.N.S. as well as considering the age of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of A.C.J.M.-VII, Aurangabad, in connection with Jamhore P.S. Case No. 38 of 2025, subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

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