

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41519 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- KARJAIN District- Supaul

Badri Malakar S/o Late Rupan Malakar R/o Village- Gospur, P.S- Karjain,
District-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Karjain P S Case No. 11 of 2025 dated 01-02-2025, instituted under Sections 115(2), 118(1), 117(2), 74, 303(2), 109, 352, 351(2) and 351(3) and 3(5) of the Bharatiya Nyaya Sanhita.

3. The prosecution story, in short, is that on 27.01.2025 at about 1:00 P.M., a dispute arose when the informant's goat entered the field of Badri Malakar, who started abusing the informant. Subsequently around 5:00 P.M., Badri Malakar along with others came to the informant's house, abused and assaulted her with weapons, tore her clothes, and snatched her gold chain. It is alleged that the petitioner assaulted Rinki Devi with a *dabiya* on her nose, due to which



she sustained a cut injury and blood started oozing out & she fell down on the ground. Co- accused Mausam Kumar snatched a locket from the injured. It is further alleged that co-accused Abhishek Kumar is said to have assaulted the informant's father-in-law, Lalu Malakar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that both parties are neighbours and there is case and counter-case between them. The wife of the petitioner, namely Manju Devi, has instituted Karjain P.S. Case No. 12 of 2025 against the informant and others under Sections 115(2), 352, 74, 303(2), 351(2), 3(3), and 3(5) of the Bharatiya Nyaya Sanhita 2023. It is submitted that the petitioner assaulted Rinki Devi with a *dabiya* on her nose, as a result of which, she sustained a cut injury and blood started oozing out and she fell down on the ground. Further submission is that the injury was accidental, caused by a fall during the altercation, not by any assault with a *dabiya*. It is further submitted that the FIR was lodged after an unexplained delay of five days from the date of the occurrence. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Birpur, in Karjain P S Case No. 11 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023.

7. The application stands allowed.

(Khatim Reza, J)

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