

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41163 of 2025

Arising out of PS. Case No.-75 Year-2024 Thana- Baijnathpur District- Saharsa

Manish Kumar S/o Raman Yadav R/o Village- Sapha, Ward No.15, P.S.- Baijnathpur, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s: Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

2. The petitioner is apprehending his arrest in a case instituted for the offences under Sections 126(2), 118(1), 109, 303(2), 352, 351(2) and (3) and 3(5) of BNS.

3. As per the prosecution case, the informant has alleged that the petitioner and other family members armed with deadly weapons started construction over the land of the informant and when protest was made, it is alleged that the petitioner assaulted by means of *farsa* on the head of the informant and when his son intervened even he was also assaulted by means of lathi and the petitioner is stated to have assaulted by means of *farsa* due to which he became unconscious.



4. Learned counsel for the petitioner submits that the petitioner is 21 years old boy and his entire career is at stake, as he has falsely been implicated in this case on account of land dispute between two sides. It is further submitted by learned counsel for the petitioner that there is no intention to kill, alleged against the petitioner as there was a single blow on the informant and his son and the injury sustained by the informant is simple in nature and the injury sustained by the informant was grievous in nature, however, from the perusal of the injuries sustained by the son of the informant it was caused by hard and blunt substance however the petitioner is alleged to have been carrying *farsa* which could not have caused such injury. It is also submitted by learned counsel for the petitioner that not a single independent witness has supported the case of the prosecution and the petitioner has no criminal antecedent.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that there is specific allegation to have assaulted the informant as well as his son as such the petitioner should not be granted the privilege of anticipatory bail.

6. Considering the aforesaid submission of the parties and taking into account the fact that the petitioner is a 21 year



old boy and the allegations in the FIR don't corroborate with the injury sustained by the informant as well as his son, the petitioner, above-named, is directed to 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class/Court concerned, Saharsa in connection with Baijnathpur P.S. Case No. 75 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.



(iv) If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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