

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42464 of 2025

Arising Out of PS. Case No.-151 Year-2024 Thana- Mehendiya District- Arwal

1. Anuj Sharma @ Anuj Kumar S/o Late Shivdhyan Sharma R/o Vill-Koibhupat, P.S.- Mehendiya, Distt- Arwal, Bihar
2. Golu Kumar @ Anku Kumar S/o Anuj Sharma @ Anuj Kumar R/o Vill-Koibhupat, P.S.- Mehendiya, Distt- Arwal, Bihar
3. Banti Kumar @ Ujjwal Kumar S/o Anuj Sharma @ Anuj Kumar R/o Vill-Koibhupat, P.S.- Mehendiya, Distt- Arwal, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Mehendiya P.S. Case No. 151 of 2024 lodged on 29.07.2024, for the offence punishable under Sections 127(1), 115(2), 109, 351(2), 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against three named accused persons (all the present petitioners) against whom there is an allegation that when the informant demanded money for the work done, then petitioner no.1 has assaulted the informant by *kudal* on his head due to which injury has been caused.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. Counsel submits that the informant and petitioners are resident of same village and there was an old land dispute going on between them. Counsel 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 bearing Mehendiya P.S. Case No. 150 of 2024 against the informant and others and the present case has been lodged from the informant's side bearing Mehendiya P.S. Case No. 151 of 2024. Counsel submits that due to land dispute, scuffling took place from both the sides and injuries have been caused to both the sides. Counsel further submits that the petitioners have no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that as per the FIR, it transpires that there is nothing against petitioner nos.2 and 3 save and except they were present there. But against petitioner no.1, there is a specific allegation of assault upon the informant by *kudal* on his head, due to which injury has been caused.

6. As such, in the present facts and circumstances of this case, let the petitioner no.2 namely, Golu Kumar @ Anku Kumar and petitioner no.3 namely, Banti Kumar @ Ujjwal Kumar 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) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of S.D.J.M, Arwal, in connection with Mehendiya P.S. Case No. 151 of 2024, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

7. So far as petitioner no.1 namely, Anuj Sharma @ Anuj Kumar is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

8. However, if petitioner no.1 surrenders before the Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering that there is a case and counter case, without being prejudice that the anticipatory bail of the petitioner no.1 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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