

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43300 of 2025

Arising Out of PS. Case No.-90 Year-2024 Thana- SALAIYA District- Aurangabad

1. Nitesh Kumar S/o- Jitendra Bhuiyan Village- Hari Bigha, P.S-Salaiya, Dist- Aurangabad
2. Anish Bhuiya S/o- Jitendra Bhuiyan Village- Hari Bigha, P.S-Salaiya, Dist- Aurangabad
3. Santosh Kumar S/o- Jitendra Bhuiyan Village- Hari Bigha, P.S-Salaiya, Dist- Aurangabad
4. Manish Bhuiya S/o- Jitendra Bhuiyan Village- Hari Bigha, P.S-Salaiya, Dist- Aurangabad
5. Indu Devi W/o- Manish Bhuiya Village- Hari Bigha, P.S-Salaiya, Dist- Aurangabad
6. Rita Devi W/o- Satish Bhuiyan Village- Hari Bigha, P.S-Salaiya, Dist- Aurangabad

... .. 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. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 16-10-2025 Heard the learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Salaiya P.S. Case No. 90 of 2024 for the offences punishable under Sections 191(2), 191(3), 190, 329(3), 126(2), 115(2), 118(1)(2), 117(2), 103(1), 74, 352 and 351(3) of the BNS.

3. Learned counsel for the petitioners submits that the



allegation against the petitioners is that they, being armed with lathi and danda, came to the house of the informant and assaulted the informant and his family members. However, there is no specific allegation of any overt act attributed to any of the petitioners individually. It is further submitted that the informant's father, Rituraj Bhuiyan, is said to have sustained injuries.

4. It has been informed that the case diary was called for along with the injury report and the supplementary injury report appended thereto and marked as "B" indicates that the Medical Officer, CHC, Madanpur, who examined the injured persons, has categorically opined that according to the clinical examination and the primary injury report as well as the hospital opinion, all the injuries sustained by the informant's father are simple in nature. Learned counsel for the petitioners next submits that there exists a counter version of the entire episode. It is submitted that on the date of the alleged occurrence, Rituraj Bhuiyan and Sahendra Bhuiyan had started demanding paper of the land from the father of the petitioner nos. 1 to 4, which was in his possession. Thereafter, an altercation took place, and although the matter was initially pacified, Ritu Raj Bhuiyan and five others again came and assaulted the father of the petitioner



nos. 1 to 4. When the petitioners intervened to rescue him, they were also assaulted, causing injury on the head. Consequently, for that occurrence, Salaiya P.S. Case No. 91 of 2024 was instituted at the instance of the petitioners.

5. On the other hand, learned APP for the State has opposed the prayer for grant of anticipatory bail of the petitioners. However, upon being confronted with the injury report and the existence of a counter version of the occurrence, the same could not be disputed.

6. Considering that the allegations against the petitioners are general and omnibus in nature and the injuries sustained are simple in nature, this Court finds it a fit case for consideration of anticipatory bail.

7. Let the petitioners, above named, be released on bail, in the event of arrest or surrender within a period of four weeks, from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Aurangabad in connection with Salaiya P.S. Case No. 90 of 2024 subject to the conditions as laid down Section 482(2) of the BNSS, 2023 as well as the following conditions:-



(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

Prakash/-

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