

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44598 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- Shahpur P.S. District- Nawada

1. Mahesh Singh S/O Late Badri Singh R/O Village- Sarkati,P.S. - Shahpur, District- Nawada
2. Shyamnandan Singh S/O Late Badri Singh R/O Village- Sarkati,P.S. - Shahpur, District- Nawada
3. Siyaram Singh S/O Late Badri Singh R/O Village- Sarkati,P.S. - Shahpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Deepak Kumar, Advocate
For the Opposite Party/s :	Mr. Pawan Kumar Chaurasia, APP
	Mr. Bharat Bhushan, APP
For the Informant :	Mr. Birendra Kumar, Advocate
	Mr. Kumud Kishore, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-07-2025 Heard Mr. Deepak Kumar, learned counsel for the petitioners and Mr. Bharat Bhushan learned APP and Birendra Kumar Chaurasia, learned counsel representing the informant.

2. The petitioners are apprehending their arrest in connection with Shahpur P.S. Case No. 37 of 2025 for the offences punishable under Sections 126(2), 115(2), 109, 351(2), 352, 3(5) of the Bhartiya Nyaya Sanhita.

3. As per the prosecution story, the informant alleged that while his uncle, Shyamkishore Singh was taking meal, at that time Lalit Singh came and firstly abused. Upon objection, allegation is of giving iron rod blow over the head causing



injury. In the meantime, the allegation is that these petitioners also came forward with iron rods/garasa and assaulted the uncle who finally became unconscious. Thereafter the allegation is that Siyaram Singh assaulted his nephew Gulshan Kumar on head causing injury while Lalit Singh and Mahesh Singh started assaulting by fist and legs. When the informant came to the rescue, the allegation is that Mahesh Singh and Lalit Singh assaulted him due to which he also suffered injuries. As the villagers came they left the place. The injured were referred to Primary Health Centre and then to Bardhaman Institute of Medical Science (BIMS), Pawapuri for the treatment. This led to the FIR.

4. Mr. Deepak Kumar representing the petitioners submit that allegation of assault on Siyaram Singh is by Lalit Singh. So far as these petitioners are concerned, they assaulted Gulshan Kumar and the informant and the injuries have been found to be simple in nature. He further submits that a perusal of the FIR would show that he is not an eye witness, there is case and counter case and the accused side has also suffered.

5. The informant has appeared and according to him, the allegation of assault is on everyone including the petitioners towards the uncle Shyamkishore Singh who remained



unconscious for thirteen days and was treated in Neuro Hospital Patna. He submits that there may be the case and counter case, that cannot be alibi to grant relief.

6. This Court has gone through the facts of the case and the submissions of the parties. Admittedly, though second part of the allegation shows that they assaulted the informant and the nephew Gulshan Kumar, injuries have been found to be simple in nature, wholly important is the fact that allegation is also against them of assaulting Shyamkishore Singh whose injuries have been found to be grievous and was hospitalized for a long period of time.

7. In that background, it would be appropriate that the petitioners seeks bail.

8. The anticipatory bail stands rejected.

9. If however, the petitioner approaches the Court in next four weeks and files bail application and the same shall be taken up and disposed of preferably on the same day.

(Rajiv Roy, J)

Raj Ranjan/-

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