

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49401 of 2025

Arising Out of PS. Case No.-54 Year-2024 Thana- SHIVAJINAGAR District- Samastipur

1. Shyam Nath Rai @ Shivrath Rai S/o- Manoj Rai R/o Village- Dasaut P.S.- Shivajeenagar District- Samastipur
2. Sanjit Kumar Rai @ Sanjit Rai s/o- Surendra Rai R/o Village- Dasaut P.S.- Shivajeenagar District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Das, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, A.P.P.
For the Informant	:	Mr. Samrendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-08-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2) and 3(5) of the BNS.
3. Learned counsel appearing on behalf of the petitioners submits that petitioner no. 1 has antecedent of nine cases and petitioner no. 2 has antecedent of six cases and the informant alleges that accused persons came and Shyam Nath Rai @ Shiv Nath Rai (petitioner no. 1) along with Sanjit Kumar Rai @ Sanjit Rai (petitioner no. 2) assaulted by an iron rod causing injury on his head. Thereafter, Sanjit Kumar Rai assaulted by butt of



pistol causing injury on chest and waist, thereafter Ram Sagar Rai took away the chain of the informant and when Santosh came to save him all accused assaulted him.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that there is land dispute in between the side of the informant and the petitioners for which from the side of the informant Title Suit No. 253 of 2021 has been filed but inadvertently at para 9 of the anticipatory bail application the number of the title suit has been recorded as Title Suit No. 24 of 2024. It is next submitted that the date of occurrence is 05.11.2024 but then the FIR came to be instituted on 10.11.2024 i.e. after a delay of nearly five days and that too based on a written application of the informant which casts an aspersion on the case of the prosecution as it has been submitted that had the informant been admitted in a hospital in that event the hospital would have informed the police about the occurrence but then the same was not done.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners. Learned counsel appearing on behalf of the informant submits that the injury suffered by the injured has been opined to be grievous. It is next submitted that the



date of occurrence is 05.11.2024 and the FIR came to be instituted on 10.11.2024 for the reason that the informant was under treatment and for the same, he relies on Annexure-P/2 to the anticipatory bail application to submit that from perusal of the same, it would manifest that DMCH has issued the injury report of the injured and from perusal of the same, it manifests that the injured was examined by DMCH on 05.11.2024 itself. It is next submitted that in the FIR also the informant has clearly stated that on account of treatment being meted out, there was some delay in instituting the FIR. It is reiterated and submitted that the injury suffered by the injured is opined to be grievous.

6. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners in connection with Shivajeenagar P.S. Case No. 54 of 2024 pending in the Court of learned Additional Chief Judicial Magistrate-I, Rosera, Samastipur/Successor Court.

7. Hence, the prayer for anticipatory bail of the petitioners is rejected.

(Satyavrat Verma, J)

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