

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50241 of 2025

Arising Out of PS. Case No.-150 Year-2025 Thana- BASANTPUR District- Siwan

1. Lalbabu Prasad S/O Late Rangilal Prasad R/O Village- Khawaspur, PS- Lakri Naviganj, District- Siwan
2. Avadh Prasad S/O Late Rangilal Prasad R/O Village- Khawaspur, PS- Lakri Naviganj, District- Siwan
3. Jitendra Kumar @ Jitendra Prasad S/O Shyam Bahadur Prasad R/O Village- Khawaspur, PS- Lakri Naviganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raju Prasad, Adv.
For the Opposite Party/s	:	Mrs.Renu Kumari, APP
For the Informant	:	Mr. Udai Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 10-10-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. From perusal of the order-sheet, it appears that the instant anticipatory bail application stands dismissed as withdrawn as against the petitioner no.3, namely, Jitendra Kumar @ Jitendra Prasad vide order dated 08.09.2025 and, hence, the instant order is confined only to the petitioner nos. 1 & 2.

3. The petitioners apprehend their arrest in connection with Basantpur P.S. Case No. 150 of 2025 instituted for the offences under Sections 126(2), 115(2), 118(1), 109, 303(2), 352 and 351(1) of the B.N.S., 2023.



4. As per prosecution case, on account of land dispute, all the F.I.R. named accused persons including the petitioners assaulted the informant and his other family members by means of rod, *Saval*, brick, knife (*gupti*) etc.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. There is an admitted land dispute between the parties. There is a case and counter case between the parties. A counter case for the same occurrence has been filed by the mother of the petitioner no.3 namely Kalawati Devi bearing Lakrnaviganj P.S. Case No. 162 of 2025. It is further alleged that the injuries caused upon the informant or informant's side are simple in nature. The petitioners have one criminal antecedent.

6. Learned counsel for the petitioners again submits that the co-accused namely Daroga Prasad, Gabbar Prasad and Munna Prasad have been granted anticipatory bail by this Court vide order dated 09.09.2025 passed by a Co-ordinate Bench of this Court in Cr. Misc. No. 51336 of 2025.

7. On the other hand, learned A.P.P. for the State and the informant have vehemently opposed the prayer for grant of



bail to the petitioners, stating that the offence alleged against the petitioners are serious in nature. He further submits that there is specific allegation against the petitioner no1. of assaulting upon the head of the informant by means of rod. There is also a direct allegation of assault against the petitioner no.2 upon the chest of the informant by means of *Sabal* due to which the informant sustained injuries. Accordingly, the petitioners do not deserve privilege of anticipatory bail of this Court.

8. Having heard rival contention of both the parties and considering the nature and gravity of the offence as also there being direct allegation of assault against the petitioner nos. 1 & 2, this Court is not inclined to grant privilege of anticipatory bail to them.

9. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1 & 2, above named, is rejected. If the petitioner nos. 1 & 2 surrender before the court below within a period of four weeks from today and pray for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J

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