

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48059 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- BANJARIA District- East Champaran

Sipahi Yadav @ Sipahi Kumar S/O Janak Yadav @ Jank Rai R/O Vill.-
Lamauniya, P.S.- Banjariya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-08-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Banjariya P.S. Case No. 92 of 2025 dated 12.02.2025 registered under Sections 191(2), 190, 126(2), 115(2), 118(1), 109, 303(2), 352, 117(2), 351(2) of the B.N.S. 2023.

3. As per the first information report on 05.02.2025 during the course of procession of goddess Saraswati all the F.I.R. named accused persons including the petitioner were playing vulgar song and when informant raised objection, the petitioner - Sipahi Yadav gave blow of sword in the middle of head of the informant causing deep cut injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence in the manner alleged. He submits that both the parties are agnates having land



dispute regarding pathway. The allegation made in the F.I.R. has not been supported by the injury report of the informant. He next submits that the present F.I.R. has been lodged after a delay of seven days without any plausible explanation inasmuch as the occurrence has taken place on 05.02.2025 while the present F.I.R. was lodged on 12.02.2025. The petitioner has clean antecedent.

5. Learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that learned Additional Sessions Judge-5, East Champaran, Motihari taking into consideration grievous nature of injury has rejected the prayer for anticipatory bail.

6. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner is specifically named in the F.I.R., grievous injury on head by means of sword has been inflicted to the informant by the petitioner and witnesses in paragraph no. 8, 9, 10 & 17 of the case diary have corroborated the version of F.I.R. which is mentioned in the impugned order, accordingly, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

7. However, if the petitioner surrenders and seeks regular bail, it is expected that the learned court below shall consider



the prayer for bail on its own merit without being prejudiced by
the fact that the present anticipatory bail application has been
rejected by this court.

(Anil Kumar Sinha, J)

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