

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48312 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- SASARAM MUFFSIL District- Rohtas

1. Ashutosh Kumar S/o Upendra Singh R/o Village- Leura, PS- Sasaram M, Dist- Rohtas
2. Pritam Kumar @ Dipak Kumar S/o Upendra Singh R/o Village- Leura, PS- Sasaram M, Dist- Rohtas
3. Anuj Kumar S/o Upendra Singh R/o Village- Leura, PS- Sasaram M, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2025 Heard Mr. Rajani Kant Singh, learned counsel for the petitioners and Mr. Ajit Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sasaram(M) P.S. Case No. 97 of 2024, F.I.R. dated 02.03.2024 for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, the informant alleged that when she was threshing mustered plant with her husband at her boring in the west side of the village, in the



meantime, petitioners along with other co-accused persons arrived and tried to start her private boring forcibly. When she opposed then all accused persons abused and assaulted them.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties. Although the petitioners are named in the FIR and there is specific allegation against the petitioner no.1, namely, Ashutosh Kumar that he assaulted to Sita Devi but the injury report shows that she has not received any injury. There is no allegation against petitioner no.2, namely, Pritam Kumar @ Dipak Kumar and allegation against petitioner no.3, namely, Anuj Kumar is that he assaulted to one Juli Devi and her injury report suggest that injury is grievous in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the fact that there is specific allegation against petitioner no.3 that he assaulted to one Juli Devi and her injury report suggest that injury sustained by her is grievous in nature, I am not inclined to grant the privilege of anticipatory



bail to the petitioner no.3, namely, Anuj Kumar in connection with Sasaram(M) P.S. Case No. 97 of 2024 pending in the court of Chief Judicial Magistrate, Rohtas at Sasaram.

7. Prayer with respect to petitioner no.3, namely, Anuj Kumar(except petitioner nos.1 & 2) is refused.

8. As far as allegation against petitioner nos.1 and 2 is concerned, there is no allegation against petitioner no.2 and there is no injury report available of Sita Devi which suggest that petitioner no.1 assaulted her, let the petitioner nos.1 and 2(except petitioner no.3), above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram(M) P.S. Case No. 97 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners(except petitioner no.3) shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as



directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners(except petitioner no.3) tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners(except petitioner no.3) and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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