

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48949 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- BACHHWARA District- Begusarai

Sanjay Rai @ Sanjay Ray, son of Pramanand Ray @ Parmanand Rai @
Permanand Rai, R/o village- Samsipur, Bichli Deera, (Bichli Dera), Lodiya, ward no. 07, Chamtha, Chiraiyatok, P.S.- Bachhwara, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-11-2025 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bachhwara P.S. Case No. 83 of 2025 registered for the offences punishable under Sections 115(2), 127(1), 109, 351, 351(2), 3(3) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegation against the petitioner is of causing assault by means of *Bamboo* over the head of the informant, leading to serious injury.

4. Learned Advocate for the petitioner referring to the F.I.R. contended that admittedly the genesis of the occurrence was a land dispute, which led to a scuffle, resulting into some unfortunate injury. However, there is no allegation of causing



repeated blow and the weapon, which is said to have been used is nothing, but a *Bamboo*. It is further contended that surprisingly the Doctor, who treated the petitioner, opined that the injury is simple in nature, but in the remark column it is mentioned as grievous injury, which also does not stand to the reason; All the more, the petitioner is a man of fair antecedent and the other accused persons have been allowed anticipatory bail by this Court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the informant was fortunate one that he any how survived. However, the assault has been made on vital portion of the body, that proved grievous in nature after NCCT of brain report, which clearly disclosed linear undisplaced fracture in left parietal bone.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the specific nature of accusation of causing assault, leading to grievous nature of injury over the vital part of the body, this Court is not acceded to the prayer for anticipatory bail to the petitioner. Accordingly, the prayer for grant of anticipatory bail stands rejected.

7. However, if the petitioner surrenders before the



jurisdictional court within a period of four weeks from today
and prays for regular bail, the same shall be considered by the
court below without being prejudiced by the order of this Court
taking note that the injured sustained only one injury, besides
the aforesaid submissions set forth by the petitioner.

(Harish Kumar, J)

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