

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51866 of 2025

Arising Out of PS. Case No.-260 Year-2025 Thana- SIWAN MUFFASIL District- Siwan

1. Kiran Devi W/o Brijesh Kumar R/o Village- Luhasi Khurd, P.S.- Siwan Muffasil (Dhanauti OP), Dist- Siwan
2. Sunil Yadav S/o Babulal Chaudhary R/o Village- Luhasi Khurd, P.S.- Siwan Muffasil (Dhanauti OP), Dist- Siwan
3. Brijesh Kumar @ Brijesh Kumar Yadav S/o Sunil Yadav R/o Village- Luhasi Khurd, P.S.- Siwan Muffasil (Dhanauti OP), Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

Mr. Bijay Prakash Singh, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-09-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. Learned counsel for the petitioners, after arguing vehemently for some time realising his difficulty, seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 2, Sunil Yadav.

3. Permission is accorded.

4. Accordingly, the anticipatory bail application is dismissed as withdrawn with respect to petitioner No. 2, Sunil Yadav.

5. The petitioner No. 1 and 3 apprehend their arrest in



a case registered for the offences punishable under Sections 192, 329(3), 126(2), 115(2), 109(1), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita.

6. Learned counsel for the petitioners submits that petitioner Nos. 1 and 3 have antecedent of one case and petitioner No. 1 is a woman and the informant alleges that while he along with his grandfather and brother had gone to attend call of nature, when accused persons came to his house and assaulted Babu Lal, Anil and his brother, further when he came back, he saw his family members in an injured condition, accordingly he went to the house of the accused to inquire when he was also assaulted, next alleges that accused are objecting construction of the house.

7. The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to construction of house, the occurrence is alleged to have taken place. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault is general and omnibus in nature and the entire family members have been implicated. It is next submitted that no doubt during the course of investigation, injured Anil's statement was recorded, who



stated before the police that he was assaulted by Sunil and the injury suffered by the injured was opined to be grievous, but then as far as petitioners are concerned, nothing has come during the course of investigation which could directly connect the petitioners with the offence.

8. The learned APP and learned counsel appearing on behalf of the informant opposes the anticipatory bail application. The learned counsel appearing on behalf of the informant submits that no doubt from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault is general and omnibus in nature, but then one injured Babu Lal, in his statement recorded before the police, stated that Deshraj was assaulted by Brijesh and Abhishek, who were carrying rod and *lathi* respectively, causing injury on head and the opinion with regard to injury of Deshraj has been reserved by the doctor.

9. The said submission of the learned counsel appearing on behalf of the informant is rebutted by the learned counsel appearing on behalf of the petitioners and it is submitted that Deshraj is informant and in the FIR he does not allege any specific allegation nor when his subsequent statement was recorded by the police under Section 180 BNSS then also he does not allege anything specifically against petitioner No. 3.



10. Considering the submissions made by the learned counsel for the petitioners, the petitioner Nos. 1 and 3 above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Muffasil (Dhanauti O.P) P.S. Case No. 260 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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