

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53246 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- MAKER District- Saran

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1. Sharwan Kumar S/O Late Jagdish Singh Village- Paschim Tahara, P.s.- Maker, Dist.- Saran at Chapra.
 2. Ashok Singh S/O Late Jagdish Singh Village- Paschim Tehara, P.s.- Maker, Dist.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Maker P.S. Case No. 38/2025 registered for the offences punishable under Sections 126(2), 115(2), 74, 303(2), 109, 352, 3(5) of the B.N.S.

3. As per prosecution case, petitioner no.1 is said to have assaulted Monika Kumari by means of *farsa* as a result of which she sustained head injury and petitioner no.2 is said to have assaulted Pradeep Kumar by means of *rod* as a result of which he sustained head injury.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence as alleged in the FIR. Petitioners bear no criminal antecedent. He further submits that although there is specific allegation of assault against the petitioners but the injuries of the injured persons are simple in nature which is evident from Annexures-2 and 2A of the application and there is no allegation of repetition of blow against the petitioners. He further submits that there is inordinate delay of eight days in lodging the FIR as occurrence took place on 18.02.2025 and FIR lodged on 26.02.2025 and no plausible explanation has been given regarding the said delay, which questions the authenticity of the prosecution story. There is case and counter case between the parties on the same date of occurrence. Both parties are pattidar and petitioners' side have lodged earlier Maker P.S. Case No. 36/2025 and the present case is nothing but the counter blast of earlier case filed by the petitioners' side. He further submits that there is land dispute between the parties and in the cases of land dispute facts are generally exaggerated to make the offence graver.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submitted that there is specific allegation against the petitioners and the same is corroborated by the injury report.



6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Saran at Chapra in connection with Maker P.S. Case No. 38/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.

7. Accordingly, the application stands allowed.

(Alok Kumar Pandey, J)

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