

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51142 of 2025

Arising Out of PS. Case No.-502 Year-2024 Thana- TURKAULIYA District- East
Champaran

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1. Prabhat Sharma S/O Chandrika Sharma R/O Village- Ward No.-5, Sharma Tola, Turkauliya, P.S- Turkauliya, Distt.- East Champaran.
 2. Ajit Sharma @ Ajit Kumar S/O Chandrika Sharma R/O Village- Ward No.- 5, Sharma Tola, Turkauliya, P.S- Turkauliya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suraj Kumar Tiwari, Adv.
For the State	:	Mr.Jagdhara Prasad, APP
For the Informant	:	Mr.Dhirendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-09-2025 1. Heard learned counsel for the petitioners, learned A.P.P.
for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 329(3), 126(2), 115(2), 117(2), 109, 76, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and the informant alleges that on 21.11.2024, he along with his son Dinesh were sitting at the door, when at about 12:30 P.M., all the accused persons came variously armed and started abusing and asked to stop the ongoing repairing work of the house, on which, Dinesh



protested on the ground that they do not have any share in the house, on which, the accused persons got agitated and assaulted the informant and his son causing injury on head and hand of Dinesh while informant's left hand got fractured and when the daughter-in-law of the informant came to rescue, then she was also assaulted and her saree and blouse were torn and when villagers gathered, the accused left threatening that they would set the house on fire on 31.12.2024, if their share in the land is not given and the house is not vacated.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant and from perusal of the allegation as alleged in the F.I.R., it would manifest that on account of dispute relating the land, the occurrence is alleged to have taken place. It is further submitted that since informant and his side had usurped the land of the petitioner and their side, as such, an altercation has taken place in which, both sides assaulted each other. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that there is no specific allegation of assault alleged against the petitioners. It is also submitted that from the side of the petitioners Turkauliya P.S. Case No.503/2024 has been instituted against the side of the



informant and others.

5. Learned A.P.P. for the State and learned counsel for the informant opposes the anticipatory bail application. Learned counsel appearing on behalf of the informant submits that though in the F.I.R., allegation of assault is not specific but then and F.I.R. has been instituted from the side of the informant that amply demonstrate that the occurrence has taken place but then the attack was brutal as both the injured i.e. the informant and his son suffered injury which have been opined to be grievous by the Doctor. It is next submitted that the injury suffered by the son of the informant on head were sufficient to cause death. Learned APP submits that no doubt the allegation of assault is not specific but then the injured have been brutally assaulted based on which, they suffered grievous injuries and the investigation is still continuing and during the course of investigation, it will surface that who assaulted causing grievous injury to the injured.

6. At this stage, the learned counsel for the petitioners submits that father and mother of the petitioners have been granted the privilege of anticipatory bail by an order dated 09.07.2025 in Cr. Misc. No.42067/2025, the said submission of the learned counsel appearing on behalf of the petitioners stands



rebutted by the learned counsel appearing on behalf of the informant on the ground that since they were parents and aged persons, as such, they were granted the privilege of anticipatory bail.

7. Considering the submissions made on behalf of the learned APP and learned counsel appearing on behalf of the informant and also taking into consideration the fact that informant and his son received grievous injury, as such, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

8. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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