

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55894 of 2025

Arising Out of PS. Case No.-608 Year-2024 Thana- AMARPUR District- Banka

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1. Vijay Kant Jha @ Vijay Jha Son of Vaikunth Jha @ Late Baikunth Jha Village -Madachak, Post- Kathel, P.S -Amarpur, District- Banka
 2. Digambar Jha @ Kuchusi Jha son of Vijay Kant Jha Village -Madachak, Post- Kathel, P.S -Amarpur, District- Banka
 3. Premshankar Jha son of Vijay Kant Jha Village -Madachak, Post- Kathel, P.S -Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2025 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Amarpur P.S. Case No. 608 of 2024, lodged on 05.09.2024, under Sections 126(2)/115(2) /117(2) /109(1) / 3(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioners



with specific allegation that the petitioners keeping iron rod and tengari in their hand assaulted the informant's father and brutal assault has been made in the left leg and left hand and both were broken.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the informant and petitioners' side are agnate and due to land dispute the scuffling took place. He submits that from the content of the FIR, it becomes crystal clear that the date of occurrence is 1st September, 2024 whereas the present case has been lodged on 05.09.2024. He submits that for the same date and place of occurrence one FIR has been lodged from the petitioners' side also on the same day but the present FIR has been lodged by the informant with a view to save their skin after delay of four days. The has not been properly explained. Counsel submits that initially Section 109 has been added but charge sheet has not been filed under Section 109 and Court has taken cognizance under Section 110 of the Bhartiya Nyay Sanhita, 2023.

5. Learned APP for the State opposes the prayer for bail of the petitioners but fairly submits that there is case and counter case and delay of four days.



6. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Sri Vijay Kumar, Judicial Magistrate, 1st Class, Banka, in connection with Amarpur P.S. Case No.608 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. And further condition that the Trial Court shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the Trial Court 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.

(Dr. Anshuman, J)

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