

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55018 of 2025

Arising Out of PS. Case No.-116 Year-2024 Thana- MANSAHI District- Katihar

1. Rajesh Patel @ Rajesh Kumar Patel S/O Bipin Patel R/O Village- Garighat, P.S- Mansahi, Distt.- Katihar.
2. Bishakha Devi @ Bishekha Devi @ Bishokha Devi W/O Rajesh Patel @ Rajesh Kumar Patel R/O Village- Garighat, P.S- Mansahi, Distt.- Katihar.
3. Chhoti Kumari @ Chhoti @ Riya Kumari @ Richa Kumari D/O Rajesh Patel @ Rajesh Kumar Patel R/O Village- Garighat, P.S- Mansahi, Distt.- Katihar.
4. Lakhi Patel @ Lakhi @ Sushant Kumar Patel @ Lucky S/O Rajesh Patel @ Rajesh Kumar Patel R/O Village- Garighat, P.S- Mansahi, Distt.- Katihar.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh
For the Informant		Mr. Nafisozoha
For the Opposite Party/s	:	Mr.Parmanand Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 22-08-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 115(2), 126(2), 109, 191(3), 190, 352, 351(2), 351(3) and 3(5) of the B.N.S.

3. Allegation in the first information report is that as many as 8 accused persons came to the place of occurrence and there is an allegation on Rajesh Patel that he assaulted the



informant and her son by means of Sisam log causing serious injuries to them.

4. Learned counsel for the petitioners submits that it would be apparent from the bare perusal of the first information report that there is a general and omnibus allegation on 8 accused persons and the dispute had arisen out of a dispute with regard to Sisam tree. It is further submitted that there is a case and counter case and the petitioners and informant are neighbours. It is further submitted that the case filed on behalf of the petitioners is earlier in point of time and the present case has only been filed as a counter blast to the same. It has also been submitted that the injuries suffered by the injured persons are all simple in nature and no offence under Section 109 of the B.N.S. would be made out in the facts of the case.

5. Learned APP for the State and the learned counsel for the informant however, strongly opposed the grant of anticipatory bail on the ground that at least petitioner no. 1 Rajesh Patel has been attributed the allegations of assaulting both the informant and her son on their head which is vital part of the body and it has also been submitted on behalf of the informant that the son of the petitioner has received a linear fracture and is still undergoing treatment.



6. Taking into consideration the facts and circumstances and considering the fact that so far as the petitioner no. 1 is concerned, there is specific allegation of assaulting both the informant and her son causing them injuries on their head, I am not inclined to enlarge the petitioner no. 1 on bail. Accordingly, his prayer for anticipatory bail is rejected.

7. So far as petitioner nos. 2 to 4 are concerned, considering the nature of allegations and the nature of injuries, let the above named petitioner nos. 2 to 4 in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mansahi P.S. Case No. 116 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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