

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54384 of 2025

Arising Out of PS. Case No.-144 Year-2025 Thana- RAGHUNATHPUR District- Siwan

1. Bhola Mishra son of Late Vishwanath Mishra Village- Dayachhapra PS
-Raghunathpur District- Siwan
2. Aditya Mishra son of Banshidhar Mishra Village- Dayachhapra PS
-Raghunathpur District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar Mishra
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay
For the Informant	:	Mr. Shailendra Kumar Dwivedi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-08-2025 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. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 126(2),
115(2), 109, 351(2), 352, 303(2) and 3(5) of the BNS, 2023.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and petitioner no.
1 is a senior citizen aged about 62 years. It is further submitted
that petitioner no. 1 all throughout has remained a person with
clean antecedent, but all of a sudden has been made a criminal
after institution of the instant FIR. It is next submitted that the



informant alleges that on account of dispute relating to land, the accused persons including the petitioners came variously armed and assaulted the informant and his son causing injury.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of assault is not specific. It is next submitted that no doubt injureds have received injury but then injury suffered by the injured on head is opined to be simple while other injuries received on finger and swelling on hand have been opined to be grievous, it is thus submitted that injuries on non vital part of the body have been opined to be grievous while on vital part of the body has been opined to be simple in nature, which amply demonstrates that petitioners never had any intention o committing a serious occurrence though allegation of assault is not specific. It is also submitted that from side of the petitioners also, Raghunathpur P.S. Case No. 143 of 2025 came to be instituted against the side of the informant and others and persons from the side of the petitioners also were brutally assaulted and they received injury. It is further submitted that the injury of the injured has been recorded in the order



impugned.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioners, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that no specific allegation of assault is alleged against the petitioners and injury on vital part of the body has not been opined to be grievous in nature.

6. Considering the submissions made by the learned counsel for the petitioners, 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 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 Raghunathpur P.S. Case No. 144 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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