

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54909 of 2025

Arising Out of PS. Case No.-366 Year-2025 Thana- GAYA MUFASIL District- Gaya

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Anil Chaudhary S/o Late Kailash Chaudhary R/o village- Bhadeja, P.S-
Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Rajiv Nayan

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

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

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 115(2), 126(2), 109, 352, 3(5) of the B.N.S.

3. The allegation in the first information report is that a scuffle had taken place between the informant and the petitioner Anil Choudhary and his son on the issue of opening of a poultry farm and in course of such scuffle, it has been alleged that the informant was assaulted by the petitioner on his head by iron rod causing head injury to him.

4. Learned counsel for the petitioner submits that a bare perusal of the first information report would show that there is a general allegation of assault upon both the accused persons of assaulting by means of iron rod on the head of the



informant. It would be also evident that the dispute had taken place between the parties with regard to opening of a poultry farm and the occurrence took place at the spur of the moment. It is further submitted that the petitioner has been falsely implicated due to an earlier dispute and as a matter of fact, there is no eye witness to the said occurrence. Further, the injuries sustained by the informant, as would be evident from the bail rejection order itself, is simple in nature. In such facts of the case, no case under Section 109 of the B.N.S. would be made out in the facts and circumstances of the case.

5. Learned APP for the State has opposed the application for anticipatory bail on the ground that the petitioner is an accused in three cases and in response to the same, it has been submitted that the petitioner is on bail in all the three cases and one of the case is under the Excise Act.

6. Taking into consideration the facts and circumstances and also considering that the injury upon the informant is simple in nature, owing to a dispute which occurred on the spur of the moment, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) 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 Muffasil P.S. Case No. 366 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further conditions:

(i) One of the bailors will be a family member/close relative.

(ii) The petitioner would appear before the Investigating Officer and cooperate in the investigation as and when required.

(iii) The court below shall verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay preferably within a period of two weeks.

(Soni Shrivastava, J)

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