

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61004 of 2025

Arising Out of PS. Case No.-25 Year-2024 Thana- LUTUA District- Gaya

1. Rajesh Paswan Son of Jamuna Paswan R/o Village - Lutua, Tola Narayana Dih, P.S. - Lutua, District - Gaya
2. Ravi Kumar Son of Mahendra Bhuiyan R/o Village - Lutua, Tola Narayana Dih, P.S. - Lutua, District - Gaya
3. Sunil Kumar Son of Krishna Bhuiyan R/o Village - Lutua, Tola Narayana Dih, P.S. - Lutua, District - Gaya
4. Krishna Bhuiyan Son of Late Mangar Bhuiyan R/o Village - Lutua, Tola Narayana Dih, P.S. - Lutua, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-09-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Lutua P.S. Case No. 25 / 2024 dated 29.09.2024 registered under Sections 126(2), 127(2), 115, 109, 74, 76, 303(2), 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the first information report while the informant was sitting at her door on 29.09.2024 the petitioners along with other accused persons arrived and started putting a pole near the field of the informant and when objected, the petitioners along with other accused persons brutally assaulted the informant's son,



husband and daughter and also tried to outrage the modesty of the informant. Due to assault made by the petitioners and others four persons sustained injury.

4. Learned counsel for the petitioners submits that both the parties are co-villagers and there is land dispute between them. Case and counter case is also there inasmuch as the side of the petitioners have lodged Gaya SC/ST P.S. Case No. 51 / 2024 against the informant and others. He next submits that there is general and omnibus allegation against the petitioners and two of the injured i.e. the informant and her daughter - Afsana Perween have sustained simple injury. Regarding nature of injury caused to the husband of the informant, learned counsel submits that doctor has reserved opinion and regarding the nature of injury caused to the son of the informant also the doctor has reserved opinion.

5. I have heard learned counsel for the parties and have perused the first information report. From perusal of the F.I.R. it appears that specific allegation of assault upon the husband of the informant is against the petitioner no. 4 & 2 and two other persons Jitendra Kumar and Sikandar Bhuiyan by means of iron rod on his head. The injury discussed in the injury report of informant's husband namely, Kamruddin Miyan shows that big



lacerated wound over mid scalp of size 7 cm x 2 cm upto bone deep were caused by hard and blunt object. Accordingly, I am not inclined to grant anticipatory bail to the petitioner no. 4 & 2 namely, Krishna Bhuiyan and Ravi Kumar and their prayer for anticipatory bail is rejected.

6. Insofar as the petitioner no. 1 & 3 are concerned, they are not having any allegation of assault upon the husband of the informant, who has sustained serious injury on his head, accordingly, I am inclined to grant anticipatory bail to the petitioner no. 1 & 3.

7. Let the petitioner no. 1 & 3, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M., Sherghati, Gaya in connection with Lutua P.S. Case No. 25 / 2024 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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