

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58728 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- BHADAUR District- Patna

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1. Nawal Prasad @ Nawal Kishor Prasad S/o Late Ramji Prasad @ Late Ramji Mahto Resident of village - Dhanush Bigha, Police Station - Bhadaur, District - Patna
 2. Srikant Prasad S/o Late Ramji Prasad @ Late Ramji Mahto Resident of village - Dhanush Bigha, Police Station - Bhadaur, District - Patna
 3. Dilip Kumar S/o Birendra Prasad Resident of village - Dhanush Bigha, Police Station - Bhadaur, District - Patna
 4. Chhotu Kumar @ Sujit Kumar @ Sujit Prasad S/o Late Kedar Mahto Resident of village - Dhanush Bigha, Police Station - Bhadaur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-09-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 3, Dilip Kumar, who was arrested during pendency of the instant anticipatory bail application.
3. Permission is accorded.
4. Accordingly, the anticipatory bail application is dismissed as withdrawn with respect to petitioner No. 3, Dilip Kumar.



5. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 115(2), 126(2), 117(2), 352, 351(2), 3(5), 109(1) of the Bharatiya Nyaya Sanhita and Section 27 of Arms Act.

6. Learned counsel for the petitioners submits that the petitioner No. 1 and 2 are persons with clean antecedent and petitioner no. 4 has antecedent of 3 cases, but in all the 3 cases the petitioner no. 4 has been acquitted in trial by the learned trial court. It is next submitted that informant alleges that her son Pawan married Ganita, which was objected by Ganita's family members, further the accused persons came and assaulted her husband, thereafter Chhotu with butt of rifle assaulted her son Brajesh and daughter-in-law on their back and Dilip assaulted him by brick causing injury on his head, while Nawal assaulted her husband by chain on head causing injury and accused also assaulted her other family members.

7. The 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 FIR, it would manifest that informant herself alleges that family members of Ganita did not like her marriage with the son of the informant on account of



which the occurrence is alleged to have taken place. It is further submitted that it is natural that the family of Ganita being aggrieved by her marriage may have assaulted the son of the informant. It is submitted that the occurrence did not take place on account of any criminal intent.

8. The learned APP opposes the anticipatory bail application and submits that criminal intent may not be present in the occurrence, but then there is specific allegation against Chhotu of assaulting the husband of the informant by butt of rifle causing injury which has been opined to be grievous, which amply demonstrates that the force used by Chhotu was much in excess.

9. Considering the submissions made by the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to petitioner No. 4, Chhotu Kumar @ Sujit Kumar @ Sujit Prasad.

10. Accordingly, the prayer for anticipatory bail of the petitioner No. 4 is rejected.

11. However, the petitioner Nos. 1 & 2, 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 Bhadaur P.S. Case No. 42 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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