

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60599 of 2025

Arising Out of PS. Case No.-163 Year-2025 Thana- BIRPUR District- Supaul

1. Pappu Kumar Sah @ Pappu Sah S/O Kamal Sah Resident of Village- Birpur Ward No. 06, P.S.- Birpur, District- Supaul
2. Nitu Kumari @ Nitu Sah W/O Pappu Kumar Sah @ Pappu Sah Resident of Village- Birpur Ward No. 06, P.S.- Birpur, District- Supaul
3. Indu Devi W/O Kamal Sah Resident of Village- Birpur Ward No. 06, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh, Adv.
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners are apprehending arrest in connection with Birpur P.S. Case No. 163 of 2025 registered for the offences punishable under Sections 126(2), 115, 118(1), 117, 109, 329(3), 75, 352, 351(2), 3(5) of the B.N.S., 2023.

3. As per prosecution case, there is allegation against petitioner no. 1 who is said to have assaulted on the right hand of the informant and caused injury. Petitioner no. 2 and others are said to have abused and assaulted the informant. Petitioner no. 3 is said to have assaulted the informant by means



of legs and fists.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the first information report and they have been falsely implicated in this case. The injury report of the informant indicates “No external visible injuries” and “No any bony fracture seen”, as is evident from the Injury Report contained in Anenxure-2. Learned counsel submits that the occurrence took place on 20.05.2025 and the present F.I.R. has been lodged on 31.05.2025 and there is no explanation for the delay, which questions the authenticity of the prosecution story. The present case has arisen out from the land dispute which is purely civil in nature. In case of land dispute facts are generally exaggerated in order to make the offence graver. In the light of the aforesaid facts and circumstances of the case, no offence is made out against the petitioners. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that petitioners’ name find figure in the prosecution story and petitioners cannot escape from the liability of the allegations levelled in the first information report.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Birpur at Supaul in connection with Birpur P.S. Case No. 163 of 2025, subject to the conditions as laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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