

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64719 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- PHENHARA District- East Champaran

1. Subhash Thakur @ Subash Thakur @ Subash Kumar Son of Swarth Thakur Resident of Village -Rajpur Kaul Marpa Ps -Phenhara Dist- East Champaran
2. Swarth Thakur @ Sogarath Thakur son of Ayodhya Thakur Resident of Village -Rajpur Kaul Marpa Ps -Phenhara Dist- East Champaran
3. Krishna Devi Wife of Swarath Thakur Resident of Village -Rajpur Kaul Marpa Ps -Phenhara Dist- East Champaran
4. Golu Kumar son of Swarath Thakur Resident of Village -Rajpur Kaul Marpa Ps -Phenhara Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Prem Lata Devi Wife of Manoj Rajak R/o Village - Hathiya Colony, P.S. - Belhar, Dist. - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shamir Mehra
For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-09-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Phenhara P.S. Case No. 78/2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352, 351(2) & 3(5) of the B.N.S.

3. As per prosecution case, petitioner no.2 attacked with *knife* with intention to kill the informant as a result of which informant sustained injury upon neck. It is



alleged that petitioner no.1 attacked with rod and petitioner no.4 attacked the informant with hammer. It is further alleged that petitioner no. 3 tried to press the hydrocele of the informant. It is further alleged that petitioner nos.1 & 4 are said to have assaulted the informant's brother and wife as a result of which informant's brother sustained head injury.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. Petitioners bear no criminal antecedent. He further submits that there is inordinate delay of three days in lodging the FIR as occurrence took place on 19.04.2025 and FIR lodged on 21.04.2025 and no plausible explanation has been given regarding the said delay, which questions the authenticity of the prosecution story. There is case and counter case between the parties on the same date of occurrence. Both parties are agnate and there is land dispute between the them and the petitioners' side have lodged earlier Phenara P.S. Case No. 79/2025 and the present case is nothing but the counter blast of earlier case filed by the petitioners' side. He further submits that petitioner no.2 has filed Partition Suit bearing No. 279/2024 against the informant, father of the informant and grand father of the informant as the informant's side were not ready to give



the share of the petitioners' side due to which the present case has been filed just to pressurize the petitioners. He further submits in the cases of land dispute facts are generally exaggerated to make the offence graver. He further submits that the informant sustained only two injuries though there is allegation of assault against three petitioners, petitioner no.2 is said to have assaulted by means of knife, petitioner no.1 is said to have assaulted by means of hammer and petitioner no.4 is said to have assaulted by means of rod. He further submits that there is also allegation against the petitioner no.3 to press the hydrocele of the informant but such kind of injury is not available on record. He further submits that there is allegation against petitioner nos.1 and 4 who are said to have assaulted the informant's brother and wife but all the injuries are simple in nature and the injury report falsifies the allegation made in the FIR which is evident from Annexures-P/4 series of the petition.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submitted that there is specific allegation against the petitioners and the same is corroborated by the injury report.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, all the



injuries are simple in nature, 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 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sadar Motihari, District-East Champaran in connection with Phenhara P.S. Case No. 78/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.

7. Accordingly, the application stands allowed.

(Alok Kumar Pandey, J)

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