

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62191 of 2025

Arising Out of PS. Case No.-589 Year-2024 Thana- MAHARAJGANJ District- Siwan

Amarnath Prasad S/o Yogendra Prasad, Resident of Village - Akil Tola, P.S. -
Maharajganj, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-12-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Maharajganj P.S. Case No. 589 of 2024 dated 08.12.2024, registered for the offences punishable under Sections 126(2), 115(2), 118(2), 109(1), 303(2) and 352 read with Section 3(5) of the B.N.S., 2023.

3. As per the prosecution case, when the informant forbade the petitioner and other co-accused persons from making a commotion and hurling abuses, the petitioner and other co-accused persons who were variously armed attacked him. The co-accused gave a *farsa* blow on his head causing its fracture and when the father, the brother, the wife and the sister of the informant came for his rescue, petitioner gave a rod blow on the head of the father of the informant causing its fracture



and he also assaulted the father of the informant a number of times causing fracture of his right hand. The other family members of the informant were also assaulted and they received a number of injuries. Gold ornaments were snatched by the female co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case and he has not committed any offence. Petitioner and informant's side are agnates and there is ongoing land dispute between them. There is counter version and Maharajganj P.S. Case No. 593 of 2024 has been lodged by the petitioner's side against the present informant and his family members and in order to save their skin, the instant case has been lodged. The injury report of the father of the informant is stated to be grievous and the injuries of the other victims are stated to be simple, but it is apparent that there was no intention or knowledge to kill the informant and his family members. No offence under Section 109(1) of the B.N.S., 2023 is made out. The true fact of the case is that a free-fight took place between the two groups and in these circumstances, no offence under Section 109(1) of the B.N.S., 2023 would be made out. Two co-accused persons have been granted the privilege of anticipatory



bail by a learned co-ordinate Bench of this Court *vide* order dated 12.05.2025 passed in Cr. Misc. No. 13731 of 2025. Learned counsel next submits that petitioner is having clean antecedent and chargesheet has been submitted. Learned counsel lastly submits that petitioner is in custody since 02.07.2025.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner and submits that the CT scan report shows fracture of right temporal and right parietal bones and injuries are found to be grievous and on vital part of the body.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner, his period of custody and submission of chargesheet, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Siwan / concerned Court, in connection with **Maharajganj P.S. Case No. 589 of 2024**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of non-appearance of the petitioner on single date or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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