

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65851 of 2025

Arising Out of PS. Case No.-133 Year-2025 Thana- KHANPURA District- Samastipur

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1. TunTun Sah, aged about- 50 years, Gender- Male, Son of Parmeshwar Sah R/o Village - Shiropatti, Ward No. 12, P.S. - Khanpur, District – Samastipur.
2. Dilip Sah, aged about 45 years, Gender- Male, Son of Dhanpat Sah R/o Village - Shiropatti, Ward No. 12, P.S. - Khanpur, District – Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. At the very outset, learned counsel for the petitioner submitted that petitioner no. 1 has been arrested during the pendency of the instant application and seek permission to withdraw the application in so far petitioner no. 1 is concerned. Permission is granted.

3. In such view of the matter, the anticipatory bail application is dismissed as withdrawn having become infructuous in so far as it relates to petitioner no. 1.

4. The instant bail application confines only to petitioner no. 2.

5. The petitioner no. 2 apprehends arrest in connection



with Khanpur P.S. Case No. 133 of 2025 dated 11.06.2025, instituted for the offence punishable under Sections 190, 191(2), 115(2), 126(2), 118(1), 117(2), 109, 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023.

6. The allegation against the petitioner no. 2 is that he alongwith other co-accused has assaulted the informant with iron rod on his head on account of some land dispute. When the sons of informant namely, Awadhesh Kumar Sah and Om Prakash came to save him then they were also assaulted by the petitioners due to which one of the sons received injury on his finger and another son sustained bleeding from his ear.

7. Learned counsel for the petitioner no. 2 submits that the petitioner no. 2 is innocent and he has been falsely implicated in this case. It is further submitted that there is a specific allegation against petitioner no. 2 of assaulting the informant and his sons by means of iron rod but the injury sustained by the informant and one of the sons namely Om Prakash Sah is found to be simple in nature caused by hard and blunt substance. Only the injury sustained by Awadhesh Kumar Sah (son of informant) is found to be grievous in nature caused by hard and blunt substance i.e. fracture on the distal phalynx of left ring finger seen, which is not the vital part of the body. It is



next submitted that petitioners' ancestral land was encroached upon by the informant and a bathroom was constructed which is near the window of petitioner's house and the smell of that filth had made life difficult for the members of the petitioners' family. When petitioners' family ask to empty that area, the informant falsely implicated the petitioner in this case. Lastly, it has been submitted that petitioner no. 2 has no criminal antecedents.

8. Learned A.P.P. has opposed the prayer for bail of the petitioner no. 2.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner no. 2 within a period of six weeks from today, in connection with Khanpur P.S. Case No. 133 of 2025, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Samastipur.

(Khatim Reza, J)

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