

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63411 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- NAYAGAON District- Begusarai

Lakhan Sah @ Lakhan Dev Sah @ lakhan Deo Sah @ lakhan Dev S/o Late
Shoshan Shah @ Late Shoshan Sah Resident of Village- Nayagaon, P.S.-
Nayagaon, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 10-09-2025 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nayagaon P.S. Case No. 45 of 2025 for the offences punishable under Sections 190, 191(2), 126(2), 115(2), 352, 351(2), 109, 303(2) of the B.N.S., 2023.

3. According to prosecution case, on 18.06.2025, Punam Kumari of Nayagaon, Begusarai lodged a report alleging that during road construction on 17.06.2025, local authorities ordered the demolition of concrete stairs encroaching the road. Her neighbor, Pawan Sah, initially resisted but later demolished his own stair. Believing Punam's family informed the Mukhiya, Pawan Sah abused them. When Punam's brother-in-law Mahesh



Kumar began recording the incident, Pawan Sah along with Lakhan Sah, Kiran Devi, Krishna Devi, and Nisha Devi allegedly attacked him with bricks and lathis, causing serious head and body injuries. Punam also sustained injuries, and the accused allegedly snatched her gold mangalsutra and earrings during the assault.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent and has falsely been implicated in the present case. It has further been submitted that from the contents of the F.I.R., it would be evident that including this petitioner, five other co-accused persons are named in this case and is said to have assaulted this informant, Mahesh Kumar by way of bricks and lathis and due to such assault, the head of Mahesh Kumar was broken and sustained head injury and also on different parts of the body and at the same time, the informant also sustained some injuries and during the course of assault, some items were also alleged to have been snatched by the petitioner. It has next been submitted that the allegation of assault against the petitioner is general and omnibus in nature and no specific allegation is attributed against this petitioner.

5. The reason behind the registration of F.I.R., is that, the informant gather the information that one Pawan Sah was



instrumental to convey to the local mukhiya to demolish the concrete stair built up on the road but as a matter of fact, this petitioner has no concern with the aforesaid matter. Learned counsel for the petitioner further submits that there is a counter version of the occurrence in which one of the co-accused person is said to have filed a case being Nayagaon P.S. Case No.46 of 2025 dated 18.06.2025 registered under Sections 190, 191(2), 126(2), 115(2), 352, 351(2), 303(2) of the B.N.S., in which the present informant and others have been made accused.

6. It has next been submitted that the injury report which is appended with the instant anticipatory bail application is annexed at Annexure-3 which would go to show that the injuries sustained by the informant is said to have been caused by hard and blunt substance but the injuries are simple in nature. It has next been submitted that both the parties are close agnates and the aforesaid incident has taken place in background of previous land dispute existing between the parties.

7. Learned APP for the State opposes the prayer for anticipatory bail application.

8. Considering the aforesaid facts that there is counter version of the occurrence in which the other co-accused persons have also lodged a case against the informant and the present



occurrence has taken place in the background of land dispute and the allegations are not specific in nature, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai, in connection with Nayagaon P.S. Case No. 45 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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