

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64556 of 2025

Arising Out of PS. Case No.-33 Year-2025 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

Raja Babu @ Nirbhay Kumar S/o Bipin Singh @ Bipin Kumar Singh R/o
Village - Ward No.- 03, Babhan Toli Khanjahapur @ Khanjhanpur @
Khanjahanpur, P.S - Cheryabariyarpur @ Cheria Bariyarpur @
Cheryabariyarpur, District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Anant Kumar 1

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Cheryabariyarpur @ Cheria Bariyarpur @
Cheryabariyarpur P.S. Case No. 33/2025 registered for the
offences punishable under Sections 126(2), 115(2), 109(1), 352,
351(2), 303(2), 3(5) of the B.N.S.

3. As per prosecution case, there is allegation
against the petitioner who is said to have assaulted the elder
brother of the informant by *fist* and the petitioner also assaulted
the informant by means of *spade* as a result of which the
informant sustained head injury.



4. Learned counsel for the petitioner submits that petitioner is innocent and have committed no offence as alleged in the FIR. The petitioner bears no criminal antecedent. He further submits that the petitioner is not in any way connected with the alleged occurrence. He further submits that there is specific allegation of assault against the petitioner by means of spade upon the head of the informant but the injury of the informant is simple in nature caused by hard and blunt substance which is totally inconsistent with the allegation made in the FIR as is evident from impugned order. He further submits that there is no allegation of repetition of blow upon the head of the informant against the petitioner. He further submits that the petitioner and the informant are neighbours and there is minor dispute between them and on the said dispute he has falsely been implicated in this case. In the light of aforesaid facts and circumstances of the case, no offence is made out against the petitioner under the aforesaid sections.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that there is specific allegation of assault against the petitioner and the same is corroborated by the injury report. Hence, the petitioner does not deserve anticipatory bail.



6. Considering the facts and circumstances of the case, injury is simple in nature, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Manjhaul Begusarai in connection with Cheriabariyarpur @ Cheria Bariyarpur @ Cheryabariyarpur P.S. Case No. 33/2025, 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)

amitkumar/-

U		T	
---	--	---	--

