

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65269 of 2025

Arising Out of PS. Case No.-1030 Year-2016 Thana- SAHARSA SADAR District- Saharsa

Santosh Mistri S/O Late Chedi Mistri R/o Village - Bengha, Ward No. 04,
P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunal Singh, Adv.

For the Opposite Party/s : Ms.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-11-2025 Heard

2. The petitioner apprehends his arrest in connection with Saharsa Sadar P.S. Case No. 1030 of 2016 , registered for the offences punishable under Sections 341, 323, 307, 354, 504 and 34 of the Indian Penal Code.

3. The informant, who happens to be brother of the petitioner, has alleged that on the fateful day, while he was on way to his home, he found that the petitioner was engaged in constructing a wall on the plot of his share of the land. When the same was obstructed, the petitioner brutally assaulted him with iron rods and thereby causing injury on the wrist of both hands and on the left arm. There is further allegation of misbehaving with the wife of the brother-in-law of the informant.



4. Learned Advocate for the petitioner referring to the FIR contended that besides the fact that there was unexplained delay in lodging of the FIR, this is the fact that both the parties are own brother and on account of some land dispute, they entered into a scuffle resulting into some unfortunate injuries, which are found to be simple in nature. Considering the aforesaid fact, the petitioner was accorded the privilege of Section 41A of the Cr.P.C. on 30.05.2017. The police after investigation submitted chargesheet on 30.06.2017 for the offences under Sections 341, 322, 504 of the Indian Penal Code. The petitioner on realising that the charge sheet has been submitted for the bailable offences, no heed was paid; however subsequent thereto the jurisdictional court has taken cognizance for the offences under Sections 325/307 of the Indian Penal Code, besides the afore noted Sections on 27.09.2018. Hence, there is need for anticipatory bail. It is also contended that since the petitioner was not aware with respect to the cognizance in the matter and the police has never informed, thus delay has occurred. Later on good sense prevailed and both the brothers have also compromised the matter.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the



FIR came to be instituted in the year 2016 and now the petitioner has approached this Court after nine years; all the more he was aware regarding cognizance of the offence on 27.09.2018. The petitioner is also facing one criminal antecedent. Thus, the petitioner does not deserve anticipatory bail.

6. Regard being had to be submissions made on behalf of the parties and considering the fact that the petitioner has been accorded the privilege of Section 41A Cr.P.C., after the alleged occurrence, but later on cognizance has been taken for the offences under Sections 325/307 of the Indian Penal Code, besides the offences in which charge sheet has been submitted, barring Section 354 IPC; as also the fact that the petitioner is the own brother and now they have compromised the matter and the genesis of the occurrence was land dispute, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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, 1st Class, Saharsa in connection with Saharsa Sadar P.S. Case No. 1030 of 2016, subject to the



conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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