

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75368 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- Banshi District- Arwal

1. Kunti Devi wife of Akhilesh Mishtri @ Bannu Mistri Resident Of Village - Kurmawa, Po- Senari, Ps- Banshi, Dist- Arwal
2. Akhilesh Mistri @ Bannu Mistri son of Late Mukhu Mistri Resident Of Village - Kurmawa, Po- Senari, Ps- Banshi, Dist- Arwal
3. Dilip Kumar son of Akhilesh Mistri Resident Of Village - Kurmawa, Po- Senari, Ps- Banshi, Dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sitaram Prasad

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 03-12-2025 1. Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Banshi Police Station Case No. 34 of 2025, disclosing offences under Sections 115(2), 126(2), 118(2), 109(i), 117(2), 74, 352 and 351(2) of the BNS, 2023.

3. As per the FIR on 20.03.2025, in the morning at about 4:00 pm, when the informant had gone to his field for harvesting lentil crop, the co-accused abused the informant and instigated Suraj Kumar to assault the informant upon which Suraj Kumar assaulted by means of Gandasa on the informant's head. When the brother of the informant arrived, other accused persons assaulted him with the iron rod. When the nephew of



the informant, Manish Kumar, came, the petitioner no. 3, Dilip Kumar, assaulted him with iron rod on his head due to which he sustained head injury. Petitioner No. 1 has allegedly pulled the hairs of the informant's relative.

4. Learned counsel for the petitioners submits that both the parties are relatives having dispute regarding land. The allegation against the petitioner no. 2 is that he is an order giver. The allegation against petitioner no. 1 is that she pulled the relative of the informant by her hairs and the allegation against petitioner no. 3 is that he assaulted the nephew of the informant on his head. Learned counsel further submits that counter case has been lodged by the side of the petitioners against the informant and others bearing Banshi PS Case No. 14 of 2025. T.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that allegations against petitioner nos. 1 and 2 are not serious in nature and there is a case and counter case due to land dispute, accordingly, I am inclined to grant anticipatory bail to petitioner nos. 1 and 2.

6. Insofar as petitioner no. 3 is concerned, allegation against him is that he assaulted the nephew of the informant on his head causing grievous injury, accordingly, I am



not inclined to grant anticipatory bail to petitioner no. 3.

7. However, if the petitioner no. 3 surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit without being prejudiced by the fact that anticipatory bail of the petitioner no. 3 has been rejected by this Court.

8. This application is partly allowed to the extent indicated above.

9. Let the petitioner nos. 1 and 2, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, Arwal (Jahanabad), in connection with Banshi Police Station Case No. 34 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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