

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 74226 of 2025

Arising Out of PS. Case No.-318 Year-2025 Thana- BANKA District- Banka

1. Akshay Kumar S/O Janardhan Mandal Resident of Village- Belatkar, Police Station and District- Banka
2. Amit Kumar S/O Janardhan Mandal Resident of Village- Belatkar, Police Station and District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Balram Kapri, Advocate

For the Opposite Party/s : Mr Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR JUSTICE HARISH KUMAR

ORAL ORDER

2 24-11-2025 Heard Mr Balram Kapri, learned advocate for the petitioners and Mr Mritunjay Kumar Nirala, learned Additional Public Prosecutor.

2 The petitioners are apprehending their arrest in connection with Banka PS Case No 318 of 2025 dated 26.07.2025 registered for the offence punishable under Sections 126 (2), 115 (2), 109, 352 and 3 (5) of Bharatiya Nyaya Sanhita, 2023.

3 Allegedly on account of a dispute due to grazing of goat in the field, the FIR named accused persons including the petitioners came with lathi and abused and assaulted the informant due to which she sustained injuries. There is further



allegation that these petitioners also misbehaved and torn the cloths of the informant.

4 Learned advocate for the petitioners submits that the parties are villagers and next door neighbours. However, on account of a trifle, the parties have entered into a free fight. Moreover, the allegations levelled in the FIR and the injury report do not corroborate to each other. There is no allegation that the petitioners have anyhow assaulted over the nose of the informant but surprisingly in the injury report, it has been disclosed undisplaced fracture of both nasal bone which is not even attributed to the petitioners. The alleged occurrence took place on 24.07.2025 and the present FIR came to be instituted on 26.07.2025 without any explanation for the delay. Petitioner No 1 bears fair antecedent whereas petitioner No 2 bears one criminal antecedent. However, they undertake that they will fully cooperate with the proceeding of the Court.

5 On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that prima facie, it appears that the informant has sustained serious injury over her nose leading to fracture of nasal bone.

6 Regard being had to the submission advanced on behalf of the respective parties and taking note of the allegations



qua the corresponding injury coupled with the delay in lodging the FIR as well as the genesis of the occurrence, let the petitioners, in the event of their arrest/surrender before the Court below within four weeks from today, be released on anticipatory bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in Banka PS Case No 318 of 2025 dated 26.07.2025 subject to all conditions as laid down in Section 482 of the BNSS 2023.

(Harish Kumar, J)

M.E.H./-

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

