

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81838 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- SUGAULI District- East Champaran

Amit Srivastava @ Amit Sinha @ Amit Kumar Sinha S/O Sri Arya Kumar Sinha @ Arya Kumar Srivastva R/O Village- Chhapra Bahas, P.S- Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-12-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Sugauli P.S. Case No. 73 of 2025 registered for the offences punishable under Sections 126(1), 115(2), 109, 303(2), 352, 351(2) and 3(5) of the BNS, 2023.

3. The case was mentioned for taking it up out of turn on the ground that petitioner is under treatment at Medanta hospital, New Delhi, as such, the case was directed to be listed.

4. Learned counsel for the petitioner submits that petitioner has antecedent of four cases and the informant alleges that he was getting his land ploughed when accused persons came along with 20 unknown accused and started abusing and



Pappu and Rakesh fired but missed and petitioner assaulted the informant by sword causing injury on head, thereafter, Rajan assaulted his brother causing injury on finger and Sachin assaulted him by lathi causing injury on hand.

5. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is also submitted that petitioner presently is under treatment at Medanta hospital, as such, is having a frail health condition and if he is sent to judicial custody, his health may deteriorate. It is next submitted that no doubt allegation of assaulting the informant by petitioner is by sword on head which is a vital part of the body, but then the injury has been caused by hard and blunt substance and has been opined to be simple in nature.

6. Learned A.P.P. for the State vehemently opposes the anticipatory bail application of the petitioner and submits that no doubt from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place, but then petitioner is alleged to have assaulted by sword causing injury on head. It is also submitted that sword has both sides, sharp



side and blunt side. The learned APP further submits that the case was mentioned for taking it up out of turn on the ground that petitioner is under treatment at Medanta hospital, New Delhi but then from perusal of the medical report of the petitioner annexed with the anticipatory bail application as Annexure-3 series, it would manifest that name of the petitioner is mentioned as Amit Kumar Sinha and age is recorded as 37 years 11 months 13 days i.e. nearly 38 years, but then from perusal of the age recorded in the anticipatory bail application of the petitioner, it would manifest that the same records the age of the petitioner as 49 years which creates a doubt that as to whether the person who is being treated at Medanta hospital, New Delhi is the same person who is seeking anticipatory bail.

7. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

8. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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