

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77053 of 2025

Arising Out of PS. Case No.-913 Year-2025 Thana- NAWADA District- Nawada

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1. Vikash Kumar @ Vikash Prasad S/o Vijay Prasad R/o vill - Dogi, P.S.- Chhabilapur, Distt.- Nalanda
 2. Deepak Kumar S/o Vijay Prasad R/o vill - Dogi, P.S.- Chhabilapur, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-12-2025 Heard Mr. Bipin Kumar, learned counsel for the
petitioners and Mr. Madan Kumar, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Nawada Town P.S. Case No. 913 of 2025 dated 26.08.2025 registered for the offences punishable under Sections 126(2), 115(2), 303(2), 109(1), 74, 76, 329(3), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. The main submissions advanced by the petitioners' counsel are that both parties are neighbors, the petitioners have purchased a piece of land from a co-sharer of the informant, which is the main cause of the occurrence, and, in fact, petitioner no. 2 has filed an application before the Executive Officer, Nagar Parishad, Nawada, for removal of encroachment



against the prosecution party. Due to the said land dispute, both the parties have lodged criminal cases against each other. It is further submitted that five persons are said to have sustained injuries in the alleged occurrence, out of whom four sustained simple injuries and only the informant sustained grievous injury, but not on any vital part of her body, and the instant matter relates to a free fight between both parties.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioners and submits that five persons sustained injuries, out of whom the informant sustained one grievous injury, which is specifically attributed to petitioner no. 2, who has criminal antecedents of two cases.

5. In the facts and circumstances of this case, and considering the above submissions, and taking into account the nature of the allegations appearing against petitioner no. 1, namely Vikash Kumar @ Vikash Prasad, as well as the nature of the injuries sustained by the injured persons, except the informant, who are said to have been assaulted by petitioner no. 1 and others, this Court is inclined to grant the relief of anticipatory bail to petitioner no. 1. Accordingly, let the petitioner no. 1 named-above, in the event of his arrest or surrender before the learned Court below within a period of six



weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Nawada Town P.S. Case No. 913 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. So far as the prayer of petitioner no. 2, namely Deepak Kumar, is concerned, since he inflicted an iron-rod blow on the head of the informant, though the informant sustained injury on a non-vital part of her body, she nevertheless suffered a fracture on account of that assault, considering this aspect and also taking into account the two criminal antecedents of petitioner no. 2, this Court is not inclined to grant the relief of anticipatory bail to him. Accordingly, his prayer stands rejected.

7. However, petitioner no. 2 namely, Deepak Kumar, is given a liberty to surrender before the trial court, if he avails this liberty within four weeks from today then the trial court will decide his regular bail prayer without being prejudiced with this order, according to merit.

(Shailendra Singh, J)

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