

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83402 of 2024

Arising Out of PS. Case No.-250 Year-2024 Thana- PHULWARIYA District- Gopalganj

Mukhdev Sah S/o- Late Nandkumar Sah Resident of Village- Tola Sihpur PS-
Phulwariya, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Adv.
For the State : Mr. Md. Mushtaque Alam, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 303(2), 117(2), 324(4), 352, 351(2), 3(5) of the BNS, 2023.

3. The allegations made in the FIR is that the informant's younger brother Brahmadev Shah was assaulted by accused Shrinivas Sah by means of *farsa* twice on his head. The further allegation in the FIR is that the present petitioner also assaulted the said Brahmadev on his nose and hands due to which he sustained injuries.

4. Learned counsel for the petitioner submits that all the allegations levelled against the petitioner are totally false. It is



further submitted that there is inordinate and abnormal delay of three days in lodging the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. It is further submitted that there is case and counter case between the parties. A counter case, i.e, Phulwariya P.S. Case No. 251/2024 has been filed from the petitioner's side against the informant and his family. Learned counsel further submits that the injuries sustained by the said Brahmadev, which find a mention in the order rejecting bail, would make it clear that all the three injuries are in the nature of laceration while two of them are on the left eyebrow and the middle of scalp and the third one is on the back of right elbow joint. In such view of the matter, it is submitted that the blow attributed to the petitioner does not have any corresponding injury.

5. Learned APP for the State opposes the prayer for bail

6. Considering the facts and circumstances of the case and particularly the fact that there is case and counter case between the parties and further that petitioner has no criminal antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, 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 A.C.J.M. XVI, Gopalganj in connection with Phulwariya P.S. Case No. 250 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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