

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2372 of 2025

Arising Out of PS. Case No.-43 Year-2024 Thana- MAIN P.S. District- Gaya

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Dhirendra Kumar @ Khairu S/O Jayram Sharma Resident of Village -
Kormathu,P.S- Mein, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
For the State	:	Mr. Anil Prasad Singh, APP
For the Informant	:	Mr. Samir Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-02-2025 Heard Mr. Aryan Singh, learned counsel for the

petitioner, Mr. Samir Kumar Sinha, learned counsel for the

informant and Mr. Anil Prasad Singh, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Main P.S. Case No. 43 of 2024 dated 15.07.2024 filed for
the offences punishable under Sections 126(2), 115(2), 352,
351(2), 109 and 3(5) of the Bharatiya Nyaya Sanhita (in short
'B.N.S.') Act, 2023.

3. As per the prosecution story, on 14.07.2024 at
about 6:00 A.M., informant was returning from his field in the
meantime, petitioner armed with *kudal* and Sonu Kumar @
Phekan armed with *khanti* came there and chased him and also
abused and assaulted him. When the informant alongwith other
members getting out of the house to reach police station, on the



way, petitioner and others assaulted the informant and others by means of *kudal* on their head.

4. The main submissions advanced by petitioner's counsel are that in fact, on the alleged day and time of the occurrence, both the parties engaged in irrigation of their crops and due to some dispute, a free fight took place in between them and the FIR of the present matter was lodged 24 hours after the commission of the alleged occurrence and the most important fact going against the prosecution is that the FIR was received by the concerned Magistrate on 30.07.2024 after the delay of fourteen days which creates a great possibility of preparing a false case in collusion with the police by the informant.

5. On the other hand, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that against this petitioner there is serious allegation and he inflicted a spade blow at the informant whose injury report has been discussed in the order impugned and the same shows that the informant sustained grievous injury at the vital part of his body and further, as per allegations, the petitioner after assaulting the informant, inflicted second blow by the same means to another person namely, Surajbhan who also sustained head injury in that attack. It is further submitted



that the petitioner has criminal antecedent of one case and the case is under investigation.

6. Considering the seriousness of the allegation as pointed out by the informant’s counsel and also appearing from the FIR, this Court is not inclined to grant the relief of anticipatory bail to the petitioner, accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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