

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2936 of 2025

Arising Out of PS. Case No.-123 Year-2024 Thana- GADHPURA District- Begusarai

1. Pawan Kumar Rai Son of Late Nandan Rai Resident of Village - Kumharson, Ward No.13, P.S. - Gadhpura, District - Begusarai
2. Pappu Kumar Rai @ Pappu Kumar Son of Late Nandan Rai Resident of Village - Kumharson, Ward No.13, P.S. - Gadhpura, District - Begusarai
3. Puspesh Kumar Rai @ Pushpesh Kumar Suman Son of Pawan Kumar Rai @ Pawan Rai Resident of Village - Kumharson, Ward No.13, P.S. - Gadhpura, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Adv.
For the Opposite Party/s	:	Ms. Asha Devi, APP
For the Informant	:	Mr. Uma Shankar Singh, Adv.
		Mr. Dilip Kumar Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-05-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.

2. The learned counsel for the petitioners submits that petitioner no.1 and 3 have antecedent of one case and petitioner no.2 is a person with clean antecedent. It is submitted that inadvertently at para-3 of the anticipatory bail application, the criminal antecedent of petitioner 1 and 3 was only mentioned but when office objection was raised, the supplementary was filed with regard to clean antecedent of petitioner no.2.



3. The office is directed to trace the supplementary affidavit and annexed with the record of the instant case.

4. It is next alleged that the informant alleges that he asked Pawan, Arvind, Pappu and Pushpesh to mark and partitioned the land on 19.10.2024, but the accused took him in a room and tied him with a rope and Pawan with lathi, Pappu with rod and Arvind with hand assaulted him, while Pushpesh threatened to sprinkle petrol and to set him ablaze, when his wife came to save him Pushpesh assaulted her on her stomach by fist and leg, but when people gathered they left them, thereafter they got themselves treated in a hospital, further on 20.10.2024, the son of the informant went to house of accused to ask them why they assaulted their parents, when all the four accused persons assaulted him causing injury on head and thereafter his son was taken to hospital for treatment.

5. The learned counsel for the petitioners submits that petitioner no.1 and 2 are own brother of the informant and petitioner no.3 is son of petitioner no.1, as such, is nephew of the informant. It is next submitted that from side of informant Gadhpora P.S. Case No.124/2024 has been instituted by petitioner no.1 against the informant and others with an allegation that the informant's side assaulted them. It is next



submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no doubt the informant alleges that he along with his wife and son were assaulted by the accused persons but then the allegation of assault is not specific. It is further submitted that there is a land dispute in between the parties as such an altercation had taken place in which both side assaulted each other.

6. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioners but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that there is no specific allegation of assault against the petitioners. The learned counsel for the informant further submits that one of the injury suffered by the son of the informant on back side of the head is opined to be grievous, on which, the learned counsel appearing on behalf of the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that allegation of assault is not specific.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.25,000/-
(Rupees Twenty Five Thousand) each with two sureties of the
like amount each to the satisfaction of learned trial court where
the case is pending/successor court in connection with Gadhpura
P.S. Case No.123/2024, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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