

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2896 of 2025

Arising Out of PS. Case No.-475 Year-2024 Thana- HARSIDHI District- East Champaran

Dilip Kumar @ Rajnandan Kumar Son of Paras Sah @ Paras Singh R/O-
Goghraha, PS-Harsidhi District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Harsidhi P.S.

Case No. 475 of 2024 registered for the offences punishable

under Sections 191(2), 115(2), 126, 118, 109, 76, 303(2),

351 and 352 BNS.

3. The allegation against the petitioner is to

assault informant and others causing head and other bodily

injuries, where occurrence alleged to be arising out of land

dispute. It is alleged that physical assault was caused by using



iron rod.

4. Learned counsel appearing on behalf of the petitioner submitted that the injury which sustained by the informant during the occurrence is simple in nature. It is submitted that occurrence was free fight in nature, where both parties received injuries and for the same set of occurrence a counter case was also lodged which has been registered as Harsidhi P.S. Case No. 470 of 2024. It is submitted that in the background of free fight, it can be said safely that petitioner was not under intention to cause death of the informant/injured. It is pointed out that only for the reasons as injury was found upon the forehead, which is a vital part of the body, the anticipatory bail of the petitioner was rejected. In this context, it is submitted that single circumstance cannot be sufficient, so as to gather intention to cause death and in support of this learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Jage Ram Vs. State of Haryana, (2015) 11 SCC 366.**

5. Learned APP appearing on behalf of the State,



opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances and by taking note of the nature of injury which is simple, negating *prima-facie* intention to cause death, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari/concerned trial court where the case is pending in connection with Harsidhi P.S. Case No. 475 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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