

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3822 of 2025

Arising Out of PS. Case No.-53 Year-2024 Thana- Kumarbagh District- West Champaran

1. Kundan Kumar @ Kundan Thakur S/o- Madan Thakur
2. Kinu Thakur @ Prem Singh @ Premchandar Thakur @ Premchandra Thakur S/o- Madan Thakur
Both are resident of Vill- Parsauha, Ward No-01, P.S.- Kumarbagh, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar
For the Opposite Party/s	:	Mr.Syed Mojibur Rahman
For the informant	:	Mr. Shiv Kumar Dwivedi
		Ms. Tulika Shrivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 10-06-2025 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kumarbagh Police Station Case No. 53 of 2024, dated 27.07.2024, disclosing offences punishable under Sections 127 (1)/115 (2)/118 (1)/109/352/351 (2)/3 (5) of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report, is that while the informant's father and mother were returning home after offering puja, the petitioners along with other co-accused persons surrounded them and the petitioner no. 1 assaulted the informant's father by iron



rod, due to which he sustained injuries in his nose and mouth; whereas the petitioner no. 2 assaulted the informant's father by means of bamboo stick on his head, due to which he sustained head injuries.

4. Learned Counsel for the petitioners submits that both the parties are agnates and there is previous land dispute between the parties. He further submits that there is case and counter case inasmuch as the petitioner no. 1 has lodged Kumarbagh Police Station Case No. 54 of 2024 against the parents of the informant. He further submits that both sides have sustained injuries.
5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the informant's father has sustained grievous injury on his head.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner no. 2 has assaulted the father of the informant on his head by bamboo, which is grievous in nature, I am not inclined to grant the petitioner no. 2 privilege of anticipatory bail.
7. This application, so far as petitioner no. 2 is concerned, is



dismissed.

8. However, considering the fact that the petitioner no. 1 has assaulted the informant's father by means of iron rod, due to which he sustained injuries in his nose and mouth, which is simple in nature, both parties are agnates and there is case and counter case also, I am inclined to grant the petitioner no. 1 privilege of anticipatory bail.
9. This application, so far as petitioner no. 1 is concerned, is allowed.
10. Let the petitioner no. 1, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 Judicial Magistrate, 1st Class, West Champaran, at Bettiah, in connection with Kumarbagh Police Station Case No. 53 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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