

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2750 of 2025

Arising Out of PS. Case No.-220 Year-2023 Thana- NAUHATTA District- Saharsa

BRAJESH KUMAR ROY @ BRAJESH ROY @ BRAJESH RAY S/O SRI
HEMANT KUMAR ROY @ HEMANT KUMAR RAY VILLAGE AND
P.O.- EKARD, P.S.- NAUHATTA, DISTRICT- SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 09-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehend his arrest in connection
with Nauhatta P.S. Case No. 220 of 2023, registered under
Sections 341, 323, 324, 307, 34 of the Bhartiya Nyaya Sanhita.

3. Prosecution story is that sons of the informant
were going when the petitioner alongwith co-accused Shyamal
Kishore Ray equipped with weapons attacked him from behind.
The petitioner struck on his head causing head injury to Alok
Kumar and Mukesh Roy was also attacked with sharp weapon
causing head injury. Th petitioner was indulged in anti-social
activity and the son of the informant, Alok Kumar was the
president of Krishna Ashtami fair conducted in Sep., 2023 and



they had previous enmity.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Petitioner further submits that the incidence is alleged to have occurred on 06.10.2023 whereas the F.I.R. has been lodged on 09.10.2023, the delay has not been explained. The petitioner-accused is alleged to have assaulted in his associate but the injury report says that the nature of injuries sustained are all simple in nature. The petitioner has one criminal history, i.e., Patliputra P.S. Case No. 85 of 2020 for offence alleged to have committed under Sections 354, 323, 504, 419, 500, 509, 120B of IPC and 66(c), 66(e) of I.T. Act in which the petitioner is on bail and even this case was lodged by Ruby Devi, wife of Nandan Kumar Roy, who is said to have own cousin brother of informant, Amarkant Roy and it prima facie appears to be a case of family dispute.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the present case and particularly the fact that the injury report reveals the injury sustained is simple injury and there is family dispute between the parties, this Court is inclined to grant



privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five thousand) with two sureties of the like each amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saharsa, in connection with Nauhatta P.S. Case No. 220 of 2023, subject to the condition laid down under Section 482(2) of the BNSS.

(Alok Kumar Sinha, J)

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