

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2014 of 2026

Arising Out of PS. Case No.-287 Year-2025 Thana- NAVINAGAR District- Aurangabad

1. Shankar Prajapati @ Shiv Shankar Prajapati S/O Chandrika Prajapati Resident of Village- Hazari Babhan sota, P.S.- Nabinagar, District- Aurangabad
2. Laxman Prajapati S/O Chandrika Prajapati Resident of Village- Hazari Babhan sota, P.S.- Nabinagar, District- Aurangabad
3. Dhananjay Prajapati S/O Laxman Prajapati Resident of Village- Hazari Babhan sota, P.S.- Nabinagar, District- Aurangabad
4. Shravan Prajapati S/O Shankar Prajapati @ Shiv Shankar Prajapati Resident of Village- Hazari Babhan sota, P.S.- Nabinagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Anant Kumar 1, APP
For the Informant :	Ms. Leelawati Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 28-01-2026 1.Heard learned counsel for the petitioners, learned Additional Public Prosecutor representing the State and learned counsel appearing on behalf of the informant.

2.This anticipatory bail application under Section 482 of BNSS, 2023 has been preferred by the petitioners after rejection of their anticipatory bail application by order dated 16.12.2025 passed by learned District and Additional Sessions Judge, First-cum- Special Judge (SC/ST, children, Sleeping Drugs and Psychotropic Substances Act), Aurangabad seeking Anticipatory Bail in connection with Nabinagar P.S. case no 287 of 2025



registered under Section 115(2), 329(4), 126(2), 109(1), 352 and 3(5) of B.N.S., District Aurangabad.

3.In brief, the prosecution case is that on 17.09.2025 at 4:30 pm, the wife of informant Ashwani Prajapati was on her terrace. At that time, the above-mentioned accused started misbehaving with her. Then, other accused of this case, Dhananjay Prajapati, Laxman Prajapati and Shankar Prajapati entered into her house and started abusing and beating her. Meanwhile, Dhananjay Prajapati, with the intention of killing her, hit the informant's wife on the forehead with an iron rod, due to which her head got fractured. While being taken for treatment, Shravan Prajapati and the above-mentioned accused surrounded and attacked the vehicle.

4.It is argued by learned counsel for the petitioners that petitioners have been falsely implicated in this case. Learned counsel for the petitioners submit that with regard to the incident which took place on 17.09.2025, both sides lodged F.I.R. against each other. The informant of this case namely Ashwani Prajapati lodged FIR against the petitioners on 18.09.2025, which was registered as Aurangabad P.S. Case No. 287 of 2025 under Sections 115(2), 329(4), 126(2), 109(1), 352 and 3(5) of B.N.S in which one person namely, Pratibha Devi



has received injury which is alleged to have been caused by the petitioner no. 3. So far as counter case is concerned, from the side of the petitioners, FIR has been lodged by Renu Devi on 19.09.2025 which was registered as Aurangabad P.S. Case No. 288 of 2025 under Section 115(2), 126(2), 303(2), 351(2), 352, 3(5) of B.N.S, in which also one person namely, Keshav Prajapati has received injury. It is also submitted that injury of both sides are simple in nature. The petitioners are made accused in four cases in which they are on bail. Averment in this regard has been mentioned in paragraph no.3 of the application. It is also submitted that pursuant to F.I.R. of this case, the petitioners have apprehension of imminent arrest. Lastly, it is submitted that in case the petitioners are granted anticipatory bail, They would not misuse the liberty and cooperate with the investigation/trial of this case.

5.Learned Additional Public Prosecutor representing the State opposed the prayer for granting anticipatory bail to the petitioners in the light of the allegations made in the F.I.R. He also submits that as on date there is no material on record to presume the false implication of the petitioners. Considering the prosecution case, cognizable offence is made out against the petitioners.



5. Having heard the learned counsel for the parties, I find that it is a case of free fighting between the parties concerned, in which both sides received injury, which are simple in nature. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of anticipatory bail to the petitioners.

6. Looking to the overall facts and circumstances of the case, submissions of learned counsel for the parties as noted above, reasonable apprehension of arrest of the petitioners, taking into consideration the gravity of offence, nature of accusation and there being no possibility of his fleeing away from justice, this Court is of the view that in the light of guidelines laid down by the Hon'ble Apex Court in the case of **Sushila Aggarwal vs State (NCT of Delhi), (2020) 5 SCC 1**, prima facie the petitioners have made out a case for grant of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest or surrender of the petitioners above-named within two weeks from today in the aforesaid case, they shall be released on anticipatory bail on their furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties each in the like amount to the satisfaction of the concerned Court below



in connection with the aforesaid case, subject to conditions laid down under Section 482 (2) of the BNSS, 2023.

8.With the aforesaid observations and directions, this anticipatory bail application is allowed.

9.In case, at any stage it is found that the petitioners have disclosed their incomplete criminal history before this Court, learned Court below shall be at the liberty to cancel the bail bonds of the petitioners after hearing them and getting satisfied that they have concealed their criminal antecedents despite their knowledge of the same.

10.It is clarified that anything said in this order is limited to the purpose of determination of this anticipatory bail application and will not effect the merits of the case.

(Sanjay Kumar Singh , J)

Raj Ranjan/-

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