

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9550 of 2026

Arising Out of PS. Case No.-264 Year-2025 Thana- PIPRAHI District- Sheohar

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Kishun Rai @ Kishan Rai Son of Nandlal Rai R/o Village - Narayanpur, P.S.-
Piprahi, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Piprahi P.S. Case No. 264 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 110, 352, 351(2), 351(3) and 3(5) of the B.N.S., 2023.

3. As per prosecution case, petitioner and others were abusing Keshav Kumar (informant's brother) and when the informant reached, they started abusing him also. When the same was protested by the informant, all accused persons started assaulting and they made an attempt to break the hand of informant's brother. It is alleged that petitioner assaulted the informant by means of an iron rod but when the informant



tried to avert the blow, he sustained head injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. and he has falsely been implicated in this case. He further submits that there is case and counter case between the parties on the same date of occurrence. It is submitted that though the alleged occurrence took place on 10.12.2025, the F.I.R. has been lodged on 13.12.2025 after a delay of three days, which has not been plausibly explained and the same casts doubt upon the authenticity of the prosecution case. It is further submitted that there are two sets of story with regard to the same occurrence, one lodged by the wife of the petitioner vide Piprahi P.S. Case No.279 of 2025 and the other by the informant vide Piprahi P.S. Case No. 264 of 2025 and the manner in which the present F.I.R. has been instituted suppresses the occurrence of the petitioner's side as narrated by the wife of the petitioner. Learned counsel submits that the prosecution story is self-contradictory inasmuch as at one place the informant claims to have escaped from the assault and at another place he alleges that he sustained injuries. It is further submitted that the petitioner and the informant are co-villagers and the alleged occurrence took place on account of



dispute regarding non-payment of loan which was given by the informant on earlier occasion. It is submitted that from perusal of the impugned order, it is evident that the injury sustained by the injured is simple in nature. Petitioner bears one criminal antecedent in which he is already on bail. In the light of the aforesaid facts and circumstances of the case, no offence as alleged in the FIR is made out against the petitioner.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that the petitioner is F.I.R. named accused and specific allegation of assault has been made against him.

6. Considering the facts and circumstances of the case, injury sustained by the informant is simple in nature, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C.,



Sheohar in connection with Piprahi P.S. Case No. 264 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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