

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10511 of 2026

Arising Out of PS. Case No.-150 Year-2025 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Dinesh Das S/o Bindeshwari Das R/o Village - Bhoura, P.S - Simri Bakhtiarpur, District - Saharsa At Present R/o - Kanu Tola, W.N - 23, P.S - Simri Bakhtiarpur, District - Saharsa
 2. Dilkhush Kumar S/o Dinesh Das R/o Village - Bhoura, P.S - Simri Bakhtiarpur, District - Saharsa At Present R/o - Kanu Tola, W.N - 23, P.S - Simri Bakhtiarpur, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-03-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Bakhtiarpur P.S. Case No. 150/2025 lodged on 05.05.2025, for the offences punishable under sections 126(2)/115(2)/329(3)/109/352/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the F.I.R. has been lodged against five named accused persons including the present petitioners, alleging therein that they assaulted the informant on his head with an iron rod, due to which he sustained injuries and



became unconscious.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the petitioners and the informant are well known to each other. It is submitted that the informant intends to grab the land of the petitioners and, when the same was opposed by them, a scuffle took place between the parties. Learned counsel further submits that there is a case and counter-case between the parties arising out of the same date and place of occurrence. According to him, the dispute has arisen only on account of a land dispute, as the informant's side was trying to encroach upon the land of the petitioners. It is further submitted that the antecedent of petitioner no. 1 is not clean as two criminal cases are pending against him, however, he has been granted bail in those cases. Petitioner no. 2, on the other hand, has no criminal antecedent.

5. Learned counsel for the informant, on the other hand, vehemently opposes the prayer for bail and submits that there is a specific allegation against petitioner no. 2 that he assaulted the informant on the head with an iron rod, causing injury, and that the said assault was made at the instance of petitioner no. 1.



6. Learned APP for the State also opposes the prayer for bail but fairly submits that the nature of injury, as reflected from Annexure-P/3, has been shown to be simple in nature.

7. Considering the the fact that there is case and counter case, and injury is simple in nature, there is no allegation of acausing injury by petitioner no.1, this Court hereby grants bail to petitioner no.1 abovementioned, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the learned CJM, Saharsa, in connection with the aforementioned case, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

8. So far as petitioner no.2 is concerned though the injury is simple in nature but allegation of assault is there, therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with the aforementioned case, is hereby rejected.

9. However, if the petitioner no2 surrenders before the Trial Court within six weeks from today, the Trial Court is



directed to pass an order on his surrender-cum-bail application on the same day, after going through the injury report and other aspect of the matter, without being prejudiced by the fact that the petitioner’s anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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