

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.708 of 2026

Arising Out of PS. Case No.-183 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Nilesh Kumar @ Nilesh Mahto S/o Late Ram Pravesh @ Pravesh Mahto R/o Village - Gangajal Barka Bagicha, P.S - Sonapur, District - Saran
 2. Akash Kumar S/o Munna Mahto R/o Village - Gangajal Barka Bagicha, P.S - Sonapur, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sujan Devi W/o Om Prakash Ram R/o Village - Gangajal Tola, Barka Bagicha, P.S - Sonapur, District - Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Shweta Anand, Adv.
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-07-2026 1. Heard learned counsel for the appellants and learned
Spl. PP, Ms. Usha Kumari 1 for the State.

2. The learned Spl. PP submits that the notice has been
validly served on the informant.

3. Since it has been submitted by the learned Spl. PP
that the notice has been validly served, hence the notice is
deemed to be served validly on the informant.

4. The learned counsel next submits that appellants are
persons with clean antecedent and the informant alleges that she
is a sharecropper and had planted vegetables on the land and the
accused persons were trying to commit theft of the vegetables on
account to which an objection was raised when it is alleged that
appellant no. 1 assaulted her with sword causing injury on hand,



further Ramavati Devi snatched the *mangalsutra* from her neck and Akash assaulted her on neck, waist and back with a rod and when her husband came to save her, appellants assaulted him with sword and rod causing injury on hand and Rita Devi took Rs. 5,000/-.

5. The learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case on account of dispute relating to land. It is further submitted that from side of the appellants Sonpur PS Case No. 648 of 2022 dated 27.08.2022 has been instituted against the informant and her side. It is next submitted that the instant complaint case has been instituted by way of a counterblast. It is next submitted that though it is alleged that the appellants assaulted the informant and her husband, but then from perusal of the injury report, it would manifest that the same does not corroborate the allegation of assault. It is also submitted that had the complainant and her husband been assaulted in the manner as alleged, then definitely an FIR would have been instituted and the case would have been investigated. It is also submitted that it appears that the occurrence took place in some other manner and the complainant implicated the appellants in the case for ulterior reasons, but then fairly submits that the learned Trial Court has taken cognizance.



6. The learned Spl. PP submits that since cognizance has been taken, as such, a *prima facie* case is made out on which the learned counsel appearing on behalf of the appellants submits no doubt a *prima facie* case is made out, but then the allegation also has to be appreciated in backdrop of a land dispute and the fact that from side of the appellants the aforesaid FIR was instituted and the informant and her husband were not sent by the police to the hospital for getting their injury treated rather it appears that complainant and her husband on their own went to the hospital for getting the injury treated.

7. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail but since cognizance has been taken, as such, the appeal is disposed of with a direction to the appellants to appear before the learned Trial Court on 12.08.2026.

8. It is made clear that if appellants appear before the learned Trial Court on 12.08.2026, the learned Trial Court shall consider and dispose of the case on the same day keeping in mind the observation of this Court as recorded hereinabove.

(Satyavrat Verma, J)

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