

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16605 of 2026

Arising Out of PS. Case No.-306 Year-2025 Thana- SAHPUR District- Bhojpur

=====

Ambuj Mishra @ Ambuj Kumar Mishra Son of Anand Mishra @ Anand Kumar Mishra Resident of Village- Banahi, P.S.- Shahpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bibhakar Tiwary, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

5 20-05-2026 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Shahpur P.S. Case No. 306 of 2025 registered for the offences punishable under sections 126(2), 115(2), 351, 109 and 3(5) of the B.N.S, 2023.

3. As per the prosecution story which has been lodged on the basis of the written report submitted by the informant to the effect that on 08.12.2025 at around 2.00 P.M., Urmila Devi along with her daughter Jyoti Kumari who are the wife and daughter of the co-accused Anand Mishra, started hurling abuse against the informant and his family members, which was objected by Nikhil Kumar. Upon which, on the direction of Urmila Devi and Jyoti Kumari, the petitioner and the co-accused



Anand Mishra came with iron rod and iron Khanti and started assaulting Chandan Pandey due to which he suffered injuries on his head and received nine stitches.

4. The learned counsel for the petitioner submits that petitioner and informant are co-villagers and their houses are situated adjacent to each other. There is dispute in between the parties with regard to village lane in which the informant and his family members started digging their soak pit, which was objected by the family members of the petitioner, upon which the informant and his family members brutally assaulted the petitioner, his mother, his father (co-accused Anand Mishra) and his sister Jyoti Kumari. On the written report submitted by the father of the petitioner i.e. co-accused Anand Mishra, Shahpur P.S. Case No. 305 of 2025 has been registered against the family members of the informant. He further submits that the present case is a counter blast of Shahpur P.S. Case No. 305 of 2025. The petitioner's father was taken to Shahpur Referral Hospital on 08.12.2025 where he was provided first aid and taking into consideration the seriousness of the injuries sustained by the father of petitioner, the doctor referred him to Sadar Hospital, Ara, where his left shoulder joint was found to have been fractured. He further submits that the offence under Sections



126(2), 115(2) and 351 of the B.N.S., 2023 are bailable in nature and are not made out against the petitioner. So far the allegation levelled under Sections 76 and 109 B.N.S., 2023 are concerned, although the same are non-bailable, but could not be attributed to the petitioner. He further submits that petitioner has got a clean antecedent and similarly situated co-accused Anand Mishra has been granted privilege of anticipatory bail by a Hon'ble Single Judge of this court vide order dated 25.03.2026 passed in Cr. Misc. No. 17108 of 2026.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that the injuries sustained by the injured Chandan Pandey has been found to be grievous in nature by the doctor.

6. Having heard the learned counsel for the parties and after going through the records, it appears that vide order dated 25.03.2026, case diary along with injury report was called for. From perusal of the case diary and the injury report, it would transpire that the doctor who had treated the injured Chandan Pandey, kept the opinion reserved for injury on 08.12.2025 and subsequently, on 12.01.2026, after going through the report etc., and the C.T. scan, found the injury sustained by the injured Chandan Pandey on his head to be



grievous in nature. It appears that the Hon'ble Single Judge, while granting privilege of anticipatory bail to the co-accused Anand Mishra vide order dated 25.03.2026 passed in Cr. Misc. No. 17108 of 2026 did not consider the injury report, since the same might not have been brought on record and therefore, solely on the basis of the fact that the F.I.R. was lodged by the father of the petitioner, was prior to lodging of the F.I.R. by the informant of this case, proceeded to grant the privilege of anticipatory bail to the co-accused Anand Mishra. Considering the same and after going through the injury report, this Court is of the opinion that the injury sustained by Chandan Pandey are grievous in nature and are on vital part of the body, therefore, this petitioner does not deserve the privilege of anticipatory. Accordingly, I am not inclined to grant anticipatory bail to the petitioner hence the same is rejected.

(Ritesh Kumar, J)

vinita/-

U		T	
---	--	---	--

