

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21864 of 2026

Arising Out of PS. Case No.-496 Year-2025 Thana- RAFIGANJ District- Aurangabad

1. Anil Sharma @ Anil Kumar Son of Ram Pukar Singh Resident of Village - Charkawan, Uppardih, P.S. -Rafiganj, Dist. - Aurangabad.
2. Sohit Kumar @ Jhulan Singh @ Somit Kumar Son of Late Shambhu Saran Singh Resident of Village - Charkawan, Uppardih, P.S. -Rafiganj, Dist. - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amish Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-04-2026 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

2. The petitioners are apprehending arrest in connection with Rafiganj P.S. Case No. 496 of 2025 lodged on 11.12.2025, for the offence punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 127(2), 109(1), 352, 351(2), 118(2) of the Bharatiya Nyaya Sanhita, 2023 and section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against 11 named accused persons including the present petitioners and 13-14 unknown persons. It has been alleged in the FIR by the informant that the informant along with three other persons



went to the field and when they were returning, then accused persons have surrounded them in connivance with each other and the petitioner no.1 has ordered to others to assault the informant. On his direction, other accused persons have started abusing and assaulted the informant's side. The allegation against petitioner no.2 is that he has assaulted by desi katta and all other persons started assaulting the informant due to which, injury has been caused on the head, back side and also right leg and left leg were fractured. Upon call, SDPO came and thereafter, he was admitted to ANMCH and subsequently, referred to Medanta Hospital.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. Counsel submits that the petitioners are the purchaser of the joint property which was subject to partition, but actual partition does not take place and even without proper division, they have purchased the property and tried to take possession on the same which was opposed by the petitioners due to which, scuffling took place. Counsel submits that the petitioners have one criminal antecedent each, in which they are on bail. He further submits that the place of occurrence is a nearby place of the field which belongs to the petitioners and without partition, the



co-parcener used to sell on which the informant's side tried to take forceful possession which was opposed by the petitioners. He submits that the petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them. He further submits that for the same date and place of occurrence, there are case and counter case i.e. one case has been lodged from the petitioners' side bearing Rafiganj P.S. Case No. 497 of 2025 (Annexure-P/4) and the present case has been lodged from the informant's side bearing Rafiganj P.S. Case No. 496 of 2025 (Annexure-P/2).

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner no.1 is the order giver and the petitioner no.2 was in possession of a firearm and is alleged to have threatened the informant with the said weapon. Counsel submits that the allegation of specific assault is against the petitioners' side, and he has produced the certificate of Medanta Hospital which indicates that injury has been caused on left and right leg of the informant and multiple injuries found upon the informant. Counsel also submits that the middle finger of the informant has been badly injured. He submits that the petitioners are not entitled for bail and this bail application be rejected.



6. Learned APP for the State opposes the prayer for bail of the petitioners but fairly submits that the property appears to be in dispute and subject matter of the partition suit is between the petitioners and the vendor of the informant's side.

7. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of C.J.M. Aurangabad, in connection with Rafiganj P.S. Case No. 496 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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