

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42178 of 2026

Arising Out of PS. Case No.-56 Year-2026 Thana- VAISHALI District- Vaishali

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Ankit Kumar Son of Mukesh Sharma Resident of Village - Jatkauli, P.S. -
Vaishali, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Aditi Sharma, Adv.
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP
For the Informant	:	Mr. Krishna Pd. Singh, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2026 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Vaishali P.S. Case No. 56 of 2026 registered for the offences punishable under Sections 329(3), 126(2), 115(2), 109(1), 324(4), 352, 351(2) and 3(5) of BNS.

3. As per FIR petitioner alleged to assault informant on his head by using sickle causing head and bodily injuries, where alleged injuries were inflicted with intention to cause death of the injured.

4. It is submitted by Ms. Aditi Sharma learned counsel appearing on behalf of the petitioner that parties are



agnets, where present occurrence took place due to previous enmities and out of land dispute also. Explaining enmities it is pointed out by Ms. Sharma that the informant withdraw unauthorized amount from the pension account of father of the petitioner, for which a complaint was registered by petitioner's side before the authority concerned, which upon verification found correct, thereafter FIR was lodged, which was registered as Vaishali P.S. Case No. 79 of 2026 It is also submitted that for land dispute between the parties a title suit is pending before learned Sub-Judge, Muzaffarpur as Title Suit no. 192 of 2023. It is further submitted that if allegations as raised through FIR be taken into consideration then certainly allegation against petitioner is only to assault on the head of the informant. It is submitted that out of three injuries, the injury which found on the nasal bone of the injured upon medical examination found grievous, meaning thereby the injury which alleged to be made by this petitioner on the head of the informant was simple, and in support of this submission, learned counsel referred impugned order.



5. Arguing further, it is submitted that the prayer of anticipatory bail of petitioner was rejected by Id. Trial court for only reason that petitioner was alleged to assault on the head of the informant. It is submitted that several factors are required to be taken into consideration to make out a *prima-facie* case within the meaning of Section 109 of BNS like the body parts, nature of injuries and conduct of accused during the occurrence. In support of his submission learned counsel relied upon the legal reports of Hon'ble Supreme Court as available through ***State of Himachal Pradesh vs. Shamsher Singh*** reported in ***2025 INSC 503*** and also ***Bhola Singh vs. State of Punjab*** reported in ***(1999) 9 SCC 50***. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Mr. Krishna Pd. Singh, learned senior counsel for the informant while opposing the prayer of bail submitted that two injuries are available on head of the informant/ injured which alleged to be made by sickle by the petitioner but fairly conceded that only third injury which was on nasal bone found grievous, which not alleged to be caused by the



petitioner, as per FIR.

8. In view of aforesaid factual submission and by taking note of fact as *prima-facie* assault as alleged to be made by petitioner upon medical examination not found grievous, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned JM, Vaishali /concerned Court, where the case is pending in connection with Vaishali P.S. Case No. 56 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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