

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42893 of 2026

Arising Out of PS. Case No.-279 Year-2025 Thana- BARSOI District- Katihar

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Anwar Son of Kamiruddin Resident of Village- Badhihala, Vishanapur, P.O.
and P.S.- Barsoi, District- Katiha, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Amritanshu Dangi, Advocate
For the Opposite Party/s : Mr.Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Barsoi P.S. Case No. 279 of 2025 registered for the offences punishable under Sections 191(3), 190, 126(2), 115(2), 109(1), 74, 303(2) & 352 of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioner is to assault the informant/injured during the course of occurrence by means of iron rod causing head injury alongwith other co-accused persons, where alleged assault was made with intention to cause death of the informant/injured. Occurrence alleged to be taken place due to land dispute.

4. Learned counsel appearing on behalf of the petitioner submitted that specific allegation is available against this



petitioner to assault on the head of the informant by using iron rod in terms of FIR. It is submitted that if this version of FIR, which authored by the informant/injured himself, be accepted as true, then, certainly the grievous injury which found upon nasal bone was admittedly not made by this petitioner. It is submitted that head injury, as alleged to be caused by this petitioner, was non-repeated and, moreover upon medical examination, it was found simple in nature. It is submitted that these facts collectively sufficient to suggest that petitioner was not under intention to cause death of the informant/injured. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **State of Himachal Pradesh Vs. Shamsher Singh** reported in **2025 SCC OnLine SC 807**. Petitioner claimed clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as injury which was found grievous, admittedly not appears to be caused by this petitioner, coupled with the fact that injury on head not appears repeated and found simple in nature, as discussed aforesaid, accordingly, above-named petitioner, who claims to be a man of clean antecedent,



in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-IX, Katihar/concerned court in connection with Barsoi P.S. Case No. 279 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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