

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47813 of 2026

Arising Out of PS. Case No.-496 Year-2026 Thana- SIKARPUR District- West Champaran

1. Tabrej Khan Son of Late Yunush Khan Resident of Village- chanki Shikarpur, Police Station -Shikarpur, District-west Champaran
2. Aseajam Khan @ Arshe Azam son of Tabrej Khan Resident of Village- chanki Shikarpur, Police Station -Shikarpur, District-west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners who apprehend arrest in connection with Shikarpur P.S. Case No. 496/2026, lodged on 12/05/2026 for the offences punishable under sections 126(2), 115(2), 117(1), 109(1), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the F.I.R. has been lodged against four named accused persons including the present petitioners. As per the prosecution case, the informant alleged that on 09.05.2026, when she along with her husband reached the place of occurrence and objected to the construction being



raised by the accused persons over the disputed land, petitioner no. 1 assaulted the informant with an iron rod on her head, whereas petitioner no. 2 assaulted the husband of the informant with a sharp-cutting weapon, causing injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the entire occurrence is the outcome of a long-standing land dispute between the parties, who are close agnates, and the F.I.R. itself discloses that the occurrence took place on account of the said land dispute. It is further submitted that, so far as petitioner no. 1 is concerned, though there is a specific allegation of assault by an iron rod on the head of the informant, paragraph 7 of the anticipatory bail application specifically states that no such injury has been found on the person of the informant which could corroborate the said allegation. It is further submitted that, so far as petitioner no. 2 is concerned, although it has been alleged that he assaulted the husband of the informant with a sharp-cutting weapon, the injury report discloses only simple injury, which does not fully support the prosecution version. It is also submitted that the allegations against the petitioners are general and omnibus in nature and the petitioners have got no criminal antecedent.



5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioners are specifically named in the F.I.R. There is specific allegation against petitioner no. 1 of having assaulted the informant with an iron rod on her head and against petitioner no. 2 of having assaulted the husband of the informant with a sharp-cutting weapon. It is submitted that the injury report supports the prosecution case and, considering the nature and gravity of the allegations, the petitioners do not deserve the privilege of anticipatory bail.

6. Considering the rival submissions of the parties and on perusal of the materials available on record, it appears that the genesis of the occurrence is a land dispute between the parties. It further appears that, although petitioner no. 1 has been alleged to have assaulted the informant with an iron rod on her head, no corresponding injury has been found on the person of the informant. So far as petitioner no. 2 is concerned, the injury found on the husband of the informant has been found to be simple in nature.

7. In the facts and circumstances of the case, let the above-named petitioners be released on bail, in the event of their arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30,000/-



(Rupees Thirty Thousand only) each, as mentioned in Section 2(1)(d) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*, to the satisfaction of the learned CJM Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 496/2026, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*.

(Dr. Anshuman, J)

Manshi/Ashwini

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