IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71786 of 2026

CNR No. BRHC011022392026

Arising Out of PS. Case No.-386 Year-2023 Thana- MUNGER MUFFASIL District- Munger

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Rustam Kumar Son of Ram Dular Mahto @ Ramdular Mahato Resident of Village - Tikarampur, P.S.- Muffasil, District - Munger.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Shashi Saurabh, Advocate
For the Opposite Party/s : Mrs.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 28-10-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 341, 324, 307 of the Indian Penal Code.

3. The Investigating Officer of the case in compliance of the order dated 27.10.2026 is present in the Court.

4. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 12.11.2023 at 07:00 PM six named accused persons including the petitioner assaulted his maternal uncle (Mantu) along with two unknown accused causing injury on head, since he forbade them from lighting crackers.

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5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, it is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault is not specific rather informant alleges that since maternal uncle was assaulted by six named accused persons and two unknown accused persons.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though informant in the FIR does not allege specifically who assaulted the injured, but then the injured in his statement recorded under Section 180 of the BNSS has specifically stated that it was this petitioner who assaulted him causing injury on head. It is also submitted that the injury has been opined to be grievous and the case has been found true only against the petitioner as has come at Para-72 of the case diary.

7. At this stage, learned counsel for the petitioner submits that there is a delay of two days in instituting the FIR on which the learned APP for the State submits that delay is not fatal.

8. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the

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privilege of anticipatory bail application to the petitioner.

9. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

Nitesh/-

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