IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75190 of 2026

CNR No. BRHC011054272026

Arising Out of PS. Case No.-641 Year-2026 Thana- HILSA District- Nalanda

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Shashi Kant Prasad S/O Nawal Kishore Prasad Village- Banbaripur, P.S.- Hilsa, Dist.- Nalanda.

... ... Petitioner/s

Versus

The State of Bihar Patna

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Pathak, Adv.
For the State : Mr. Prem Kumar Jha, APP
For the Informant : Ms. Kumari Anjali, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-11-2026 Heard the learned Advocate for the petitioner, learned Advocate for the informant and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Hilsa P.S. Case No. 641 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 329(3), 329(4), 117(2), 109(1), 352, 351(2) and 3(5) of the B.N.S., 2023.

3. The allegation against the petitioner is that he, along with the other accused persons, assaulted the informant by means of *lathi*, *danda* and spade, causing serious injuries to the injured persons.

4. Learned Advocate for the petitioner, referring to the

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FIR, primarily submits that a bare perusal thereof would reveal that omnibus allegations have been levelled against all the four named accused persons, including the petitioner. The genesis of the occurrence is admittedly a partition dispute, which unfortunately culminated in a scuffle resulting in injuries to persons on both sides. So far as the injuries sustained by *Mahesh Prasad*, *Ganesh Prasad* and *Prabhash Kumar* are concerned, the same have been opined to be simple in nature, except one injury sustained by *Ganesh Prasad* on his left foot, which has been described as grievous. However, the said injury is on a non-vital part of the body and has not been specifically attributed to the petitioner. It is further submitted that a counter-case has also been instituted by the petitioner's wife against the informant and others, being Hilsa P.S. Case No. 642 of 2026. Although the petitioner has one criminal antecedent, he is presently on bail in the said case.

5. On the other hand, learned Advocate for the State as well as the informant vehemently opposed the prayer for anticipatory bail, submitting that the petitioner actively participated in the commission of the alleged offence and, along with the other accused persons, inflicted grievous injury upon one of the injured persons.

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6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the omnibus nature of the allegations, the simple nature of injuries sustained by two of the injured persons, the grievous injury sustained by the third injured person being on a non-vital part of the body, i.e., the toe, as well as the fair antecedent of the petitioner, this Court is inclined to grant the privilege of anticipatory bail to the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Hilsa, Nalanda in connection with Hilsa P.S. Case No. 641 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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