

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80069 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- MALAHI District- East Champaran

1. Manoj Kumar S/o Late Sambhu Prasad @ Shambhu Sharan Prasad Resident of village- Malahi, P.S.- Malahi, District- East Champaran.
2. Aryan Kumar @ Ashish Gupta S/o Manoj Kumar Resident of village- Malahi, P.S.- Malahi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE RANJAN KUMAR JHA

ORAL ORDER

5 16-07-2026 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioners apprehending their

arrest in connection with Malahi P.S. Case No. 28 of 2025

registered for the offences punishable under Sections

117(2), 115(2), 109, 303(2), 3(5) of the BNS.

3. The informant alleges that on 17.01.2025 at

about 6:00 PM, Manoj Kumar, his son Aryan Kumar, and 8-

10 unknown persons attempted to forcibly occupy his land.

When he resisted, Aryan Kumar allegedly attacked him with

a knife at the instigation of Manoj Kumar, causing a head



injury. The accused thereafter assaulted him with lathis and a bat, fracturing his left hand. It is further alleged that Manoj Kumar snatched a 10-gram gold chain and Rs. 25,000/- in cash, and threatened to kill the informant.

4. It is submitted by learned counsel for the petitioners that both parties are neighbours and their houses are adjacent to each other. The boundary wall of the petitioner's house was in a dilapidated condition, and the petitioner was taking steps to construct a new boundary wall. This led to a minor scuffle between the parties. It is further submitted that there is a case and a counter case between them. Petitioners have no criminal antecedents.

5. Learned counsel further submits that the injury report reveals two injuries on the person of the informant. According to the medical report, the injuries were caused by a hard and blunt substance. Injury No. 1, located on the skull, has been opined to be simple in nature, whereas Injury No. 2, relating to the fracture of the hand, has been opined to be grievous.

6. Learned APP for the State vehemently opposed



the prayer of anticipatory bail.

7. Having considered the rival submissions and keeping in view that the petitioner and the informant are neighbours and there is a case and counter case between the parties, this Court finds that the medical evidence does not support the prosecution’s allegation of assault by a knife. Moreover, the injury on the skull has been opined to be simple in nature. As regards the other injury, no specific overt act has been attributed to any particular accused, and the injury is on a non-vital part of the body, let both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned concerned Court, East Champaran at Motihari, where the case is pending in connection with Malahi P.S. Case No. 28 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Ranjan Kumar Jha, J)

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