

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89463 of 2025

Arising Out of PS. Case No.-308 Year-2025 Thana- SISWAN District- Siwan

1. Patiram Bhakt @ Patiram Bhagat S/O Late Palai Bhakt R/O Village- Jellor Shaheb Ki Mathiya, P.S- Siswan, District- Siwan.
2. Anil Bhagat @ Anil Kumar @ Anil Bhakt S/O Patiram Bhakt R/O Village- Jellor Shaheb Ki Mathiya, P.S- Siswan, District- Siwan.
3. Sujit Bhagat @ Sujit Kumar Bhakt @ Sujit Bhakt S/O Prammatma Bhakt R/O Village- Jellor Shaheb Ki Mathiya, P.S- Siswan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP
For the Informant	:	Mr. Satyapal Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-01-2026 Heard Mr. Anil Kumar Singh, learned counsel for the petitioners and Mr. Satyapal Singh, representing the informant beside Mr. Bharat Bhushan, learned APP.

2. The petitioners are apprehending arrest in connection with Siswan P.S. Case No. 308 of 2025 instituted under Sections 126(2), 115(2), 118(1), 117(2), 109(1), 352, 351(2), 3(5) of the Bhartiya Nayay Sanhita, 2023 lodged on 31.08.2025 by the informant, Rajiv Kumar Sahi.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came to their place and started abusing them. On protest, the allegation is that



Sushil Bhakt armed with Farsa assaulted the informant causing injury on his head. Further, when the informant raised alarm and his cousin brothers, Anil Kumar Singh and Prashant Kumar Sahi came to the rescue, allegation is that Patiram Bhakt (petitioner no.1) alongwith Patiram Bhakt gave Farsa blow to him causing injury on his head.

4. Further, Sushil Bhakt, Anil Bhakt also assaulted Prashant Sahi causing injury on his nose. In the meantime, Sujit Bhagat (petitioner no.3) armed with 'Bhala' gave injury on his leg. Sanju Devi (since deceased) gave Chapar blow causing injury making the injured who fell down.

5. Further, allegation is against Deepak Bhakt of giving 'Khanti' blow to the informant. On alarm, Sanjiv Kumar Sahi, Shivam Kumar Sahi, Nandan Singh and Pravin Bhushan Shahi came to their rescue when the allegation against Neha Kumari is of pelting stones causing injuries to them.

6. Bhrigunath Singh assaulted Sanjiv Kumar Sahi while Sushil Bhakt assaulted with Farsa causing injury on his head beside other parts of the body. The allegation against Anil Bhakt is of giving Farsa blow on the neck and Deepak Bhakt gave 'Khanti' blow to Pravin Bhushan. This led to the FIR.

7. Learned counsel for the petitioners, Mr. Anil



Kumar Singh submit that there is case and counter case and unfortunately, one of the accused named by the informant in the present case, Sanju Devi died of the injuries which shows how the exaggerated FIR has been lodged. Further, both the parties are villagers and due to land dispute, the fight took place in which though one of the family members, Sanju Devi died of the injury, the accused in the case lodged by the petitioners' side got relief by a coordinate bench in **Cr. Misc. No. 88174 of 2025 (Shivam Sahi & Ors. vs. the State of Bihar)** on the ground that both sides have suffered simple/grievous injury.

8. Learned APP as also learned counsel for the informant on the other hand have jointly taken this Court to the injuries sustained by Prashant Kumar Sahi as recorded in the order-sheet of the learned Sessions Judge to show that the injuries recorded by the Medical Officer fully corroborates the FIR inasmuch as he got injury on the nose as also the scalp and shoulders and the Doctor opined the injuries on nose to be grievous in nature. The submission is that simply because simple and grievous injuries have been recorded that cannot be the ground to grant relief when these petitioners have criminal antecedent.

9. This Court has gone through the facts of the case



and the submissions put forward by the parties, unfortunate incident has taken place in which both sides have suffered simple/grievous injuries and the petitioners' side have even lost one of the female inmate, Sanju Devi who is named in this FIR.

10. This Court has also taken note of the order passed by the coordinate bench in Shivam Sahi (supra) but that cannot be a ground to grant relief in the present case to those against whom allegation is grievous. Injury report of Prashant Kumar Sahi shows the injury on the nose and scalp and one of the injury has been found to be grievous.

11. So far as the injuries on the nose/scalp which has been recorded by the Medical Officer of the Referral Hospital Siswan (Siwan) is concerned, considering the vital part where the attack took place on him, no relief can be granted to Patiram Bhakt (petitioner no.1) and Anil Bhagat (petitioner no.2) respectively. The anticipatory bail against them is rejected.

12. So far as the petitioner no.3, Sujit Bhagat @ Sujit Kumar Bhakt is concerned, allegation of assault is on the leg and the same has been found to be simple in nature. Taking into account the aforesaid facts, this Court is inclined to extend relief to the petitioner no.3, Sujit Bhagat @ Sujit Kumar Bhakt.

13. Let the petitioner no.3, Sujit Bhagat @ Sujit



Kumar Bhakt be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Siswan P.S. Case No. 308 of 2025 to the satisfaction of learned A.C.J.M.-VII, Siwan subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the no.3, Sujit Bhagat @ Sujit Kumar Bhakt who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the no.3, Sujit Bhagat @ Sujit Kumar Bhakt shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the no.3, Sujit Bhagat @ Sujit Kumar Bhakt shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the no.3, Sujit Bhagat @ Sujit Kumar Bhakt shall desist from committing any criminal offence again, failing



which the State shall be at liberty to take steps for cancellation
of his bail bonds.

(Rajiv Roy, J)

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