

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90353 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- PHENHARA District- East Champaran

Avnish Thakur @ Nanhak Thakur @ Awnish @ Aynish S/o Vishwanath
Thakur @ Vishavnath Thakur Resident of Village - Phulwariya, Ward no. 8,
P.S - Phenhara, District - East Champaran Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore @ Kundan Kumar, Adv.
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Phenhara P.S. Case No. 92 of 2025 for the offence punishable under sections 126(2), 115(2), 118(1), 117(2), 109(1), 352, 351(1), 3(5) of the BNS lodged on 07.05.2025 by the informant.

3. As per the prosecution case, the allegation against the petitioner is that he along with other accused persons came on two motorcycles to the door of informant and started abusing him as well as assaulted him by means of axe on his head and the petitioner is further alleged to attack the informant by means of knife causing injury to his arm. On hearing his cries, his son, namely, Ankit came to rescue the informant, he was also assaulted by the accused persons. After intervention of villagers,



they fled away leaving their one of the Bullet Motorcycle. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that both the parties are agnates and there is an old land dispute between the parties. From the First Information Report itself, it is evident that this petitioner was having knife in his hand with which he is alleged to have inflicted injury on the neck of the informant which is not supported with the injury as recorded in the impugned order. Petitioner has got clean antecedent and the said incident has taken place due to old land dispute.

5. Learned APP opposes the prayer for anticipatory bail by submitting that since the injury is there, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the nature of injury which *prima facie* does not corroborate the complicity of this petitioner and he has got clean antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned **Chief Judicial Magistrate**,



East Champaran, Motihari/the court concerned in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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 petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/their bail bonds.

(Ajit Kumar, J)

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