

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13332 of 2025

Arising Out of PS. Case No.-287 Year-2024 Thana- DIGHWARA District- Saran

1. Abhishek Kumar S/O Naval Rai R/O- Village- Shitapur Babu Tola, P.S.- Dighwara, District- Saran.
2. Guddu Kumar S/O Nand Kishore Rai R/O- Village- Shitapur Babu Tola, P.S.- Dighwara, District- Saran.
3. Suraj Kumar @ Satyendra Kumar Son of Nand Kishore Rai R/O- Village- Shitapur Babu Tola, P.S.- Dighwara, District- Saran.
4. Pintu Kumar @ Vintu Kumar Son of Nand Kishore Rai R/O- Village- Shitapur Babu Tola, P.S.- Dighwara, District- Saran.
5. Mirtyunjay Kumar @ Mirtunjay Kumar S/O Munna Rai R/O- Village- Shitapur Babu Tola, P.S.- Dighwara, District- Saran.
6. Vijay Kumar S/O Late Gopal Rai R/O- Village- Shitapur Babu Tola, P.S.- Dighwara, District- Saran.
7. Bhola Singh S/O Late Shama Singh R/O- Village- Shitapur Babu Tola, P.S.- Dighwara, District- Saran.

.. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-03-2025 Heard Learned Counsel for the petitioners Learned
APP for the State and Learned Counsel for the informant.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehend their arrest in connection with Dighwara P.S. Case No.287 of 2024 lodged on 07.08.2024, for the offences punishable under Sections 126(2), 115, 118(1), 117, 109, 303(2),



76 and 3(5) of the B.N.S.

3. As per the prosecution, FIR has been lodged against 10 named accused persons including the present petitioners against whom there is allegation that the informant has provided Rs.1 lac to the accused persons on promised that they shall return within 3 months. When money has not been returned, then *panchayati* took place and it was held that they assured to return the money, but they have not returned money, then the accused persons reached at the house of the informant and on gun point, they outrage the modesty of the informant's wife and attacked by lathi and fursa due to which injury took place and they have also snatched one box in which gold jewellery was kept. Upon noise, one of the petitioners has made firing. Informant thereafter, admitted to PMCH Hospital for better treatment.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that for the same date and place of occurrence, there is case and counter-case lodged from both sides. He further submits that petitioners have filed case i.e., Dighwara P.S. Case No.265 of 2024 and the informant has filed the present case.

5. Counsel submits that the criminal antecedent of the



petitioners are not clean as there are two criminal cases pending against petitioner Nos.1, 2 and 3 and there is one criminal case pending against petitioner No.4 and there is no criminal antecedent of petitioner No.5 and 6 and petitioner No.7 have two criminal antecedents in which all petitioners are on bail in all cases.

6. Counsel further submits that injury has also occurred from both sides and injury are simple in nature except few one. He further submits that both parties are resident of same village and well-known to each other and on petty issue, the dispute has arisen. He further submits that what is alleged in the F.I.R., due to either theft caused or for money lending.

7. Counsel further submits that the petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

8. Counsel for the informant appeared *suo moto* and submits that there is specific allegation and injury has also been caused.

9. Learned APP for the State opposes the prayer for bail of the petitioners and submits that both parties are well-known to each other and pending dispute are between the parties.



10. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on being satisfied by the trial court that the petitioner Nos.1, 2, 3, 4 and 7 (except petitioner Nos.5 and 6) are not absconding in any cases which are pending against them which are mentioned below, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of A.C.J.M.-II, Saran at Chapra, in connection with Dighwara P.S. Case No.287 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023 with other following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;



(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

11. The details of the cases which are pending against the petitioner Nos.1, 2 and 3, are as follows:-

- i. Dighwara P.S. Case No.39 of 2019.
- ii. Dighwara P.S. Case No.184 of 2023.

12. The details of the cases which are pending against the petitioner No.4, are as follows:-

- i. Dighwara P.S. Case No.39 of 2019.

13. The details of the case which is pending against the petitioner No.7, are as follows:-

- i. Dighwara P.S. Case No.83 of 2016.
- ii. Dighwara P.S. Case No.184 of 2023.

(Dr. Anshuman, J.)

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