

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17284 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

1. Shambhu Rai S/o Mahanth Rai Resident of village- Bansh Ghat Masuriya, PS - Mahammadpur, District- Gopalganj
2. Mahanth Rai S/o Late Ramavtar Rai R/o vill- Bansh Ghat Masuriya, P.S.- Mahammadpur, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Srivastva, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-07-2025 Learned counsel for the petitioners is permitted to make necessary correction in paragraph-11 of the anticipatory bail petition in course of the day.

2. Heard Mr.Sumit Kumar Srivastva, learned counsel for the petitioner and Mr.Nawal Kishore Prasad, learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Mahammadpur P.S. Case No. 88 of 2024, registered for the offences punishable under Sections 341,323,307,354(B), 379,504,34 of the Indian Penal Code.

4. Allegation against petitioner No.2 is that he ordered to assault the informant's side then petitioner No.1 assaulted by



the means of lathi to the cousin brother of the informant namely Bishwanath Rai and other persons.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Although the petitioners are named in the FIR and the specific allegation against petitioner No.1 is that he assaulted by the means of lathi to the cousin brother of the informant namely Bishwanath Rai and other persons. Although they have received the injury but the injury report of the injured persons suggests that the injury is simple in nature and allegation against petitioner No.2 is that he is only the order giver and both the parties are agnates to each other and the present case is only to save the skin in the complaint Case No. 622/2024 which was filed by the petitioners' side against the informant and his family members on 03.04.2024.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts, petitioners have clean antecedent, injury inflicted upon the injured persons is



simple in nature and there is case and counter case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Gopalganj in connection with Mahammadpur P.S. Case No. 88 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS,2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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