

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26561 of 2025

Arising Out of PS. Case No.-43 Year-2024 Thana- KHIJARSARAI District- Gaya

- 1. Sahbaj Kumar @ Sahbag Kumar @ Kaushal Kumar S/o Late Saryug Chauhan R/o Village- Badki Beldari, P.S.- Khizersarai, District- Gaya
- 2. Raushan Kumar S/o Deva Chauhan @ Devanand Chauhan R/o Village- Badki Beldari, P.S.- Khizersarai, District- Gaya
- 3. Premchan Chauhan @ Premchand Kumar S/o Chotan Chauhan @ Sanjay Chauhan R/o Village- Badki Beldari, P.S.- Khizersarai, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-08-2025 Heard the parties.

2. The petitioners are apprehending arrest in connection with Khizersarai P.S. Case No. 43 of 2024 instituted under Sections 147, 148, 341, 323, 308 of the Indian Penal Code lodged on 11.02.2024 by the informant, Prince Kumar.

3. As per the prosecution story, the informant alleged that the younger brother and his cousin brother had gone to ‘Dristy’ library to study when on the minor issue of sitting place, the accused persons assaulted them causing injuries to his brother, Preetam Kumar and cousin brother Prasant Kumar. This led to the FIR.



4. Learned counsel for the petitioner submits that there is two days delay in lodging of the FIR, it has been exaggerated to implicate each and every person, injury has been found to be simple in nature, all of them are students and if granted relief, shall be diligently appearing in trial.

5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to pay Rs.5000/- each (totalling Rs.15,000/-) to the two injured namely Preetam Kumar and Prasant Kumar (Rs.7500/-) each through Demand Draft issued by the local branch of the State Bank of India to be submitted before the concerned Court.

6. Learned APP opposes the prayer submitting that two of them, petitioner no.1 and petitioner no. 2 have criminal antecedent.

7. Considering the submissions of the parties as also the fact that all the petitioner are students between 18–20 years, though allegation is there, it is unfortunate that just for sitting place, the students fought each with each other, an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment Rs.5000/-



each (totalling Rs.15,000/-) to the two injured namely Preetam Kumar and Prasant Kumar (Rs.7500/-) each through Demand Draft issued by the local branch of the State Bank of India to be submitted before the concerned Court.

8. Let the petitioners be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Khizersarai P.S. Case No. 43 of 2024 to the satisfaction of learned Judicial Magistrate-1st Class, Gaya 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 of the petitioners who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and



when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners 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;

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

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

