

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33304 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- Maghopur District- Gopalganj

1. Ramashish Sah S/o Late Babulal Sah R/o Vill.- Madhopur, P.S.- Madhopur, Distt.- Gopalganj
2. Dinesh Prasad S/o Vijay Prasad R/o Vill.- Madhopur, P.S.- Madhopur, Distt.- Gopalganj
3. Dharmendra Kumar Gupta S/o Vijay Prasad R/o Vill.- Madhopur, P.S.- Madhopur, Distt.- Gopalganj
4. Sushil Kumar S/o Jitendra Prasad R/o Vill.- Yadopur, P.S.- Yadopur, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 13-08-2025 Heard the parties.

2. At the outset, learned counsel for the petitioners seek permission to withdraw this application with regard to Petitioner No. 3, namely, Dharmendra Kumar Gupta only.

3. Permission, as prayed for, is accorded.

4. Accordingly, the present application is dismissed as withdrawn with regard to Petitioner No. 3, namely, Dharmendra Kumar Gupta only.

5. Now the present application survives only for Petitioner Nos. 1, 2 and 4 only.



6. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352, 303(2), 3(5) of B.N.S., 2023.

7. As per the prosecution case, the informant has alleged that while the informant was going to unload the brick, the petitioners along with the other named accused persons came there and started assaulting by means of lathi *danda* etc. It is further alleged that a co-accused, namely, Dharmendra Kumar Gupta, Sanjeev Kumar and Guddu Kumar assaulted the informant with knife, causing sharp cut injuries. It has further been alleged that the petitioners and others had assaulted the informant as well as the others by means of lathi and *danda*.

8. The learned counsel for the petitioners submit that petitioners are innocent and they have falsely been implicated in this case. He further submits that the allegations *prima facie* is not being proved from the perusal of the injury report which has been brought on record by way of Annexure-P/4 whereby only one cut injury has been found on the body of the said Santosh Kumar. It is further alleged that even if the allegations are taken on its face value, there is general and omnibus allegations against the petitioners of assaulting by means of lathi and *danda*. Learned counsel for the petitioner submits that Petitioner



No. 1 has one criminal antecedent, Petitioner No. 2 has three criminal antecedents and Petitioner No. 4 has two criminal antecedents. Learned counsel lastly submits that similarly situated co-accused person has already been granted the benefit of anticipatory bail by Co-ordinate Bench of this Hon'ble Court vide order dated 11.08.2025, passed in Cr. Misc. No. 32780 of 2025.

9. The learned A.P.P. for the State has vehemently opposed the prayer for bail.

10. Considering the aforesaid submissions, the petitioners, above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Madhopur P.S. Case No. 27 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their



close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 antecedent, 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.

11. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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