

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33884 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- Rasalpur District- Bhagalpur

1. Akash Kumar S/o- Rajeev Kesera @ Rajeev Kasera @ Rajiv Kumar Sah @ Rajeev Ku. Sah Village- Eikchari, Purab tola, Ps- Rasalpur, District- Bhagalpur
2. Rajeev Kesera @ Rajeev Kasera @ Rajiv Kumar Sah @ Rajeev Ku. Sah S/o- Late Bhola Prasad Singh @ Late Bhola Kasera Village- Eikchari Purab Tola Ps- Rasalpur Dist- Bhagalpur
3. Suraj Kumar S/o- Rajeev Kesera @ Rajeev Kasera @ Rajiv Kumar Sah Village- Eikchari Purab Tola Ps- Rasalpur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2025 Heard Mr. Ranjan Kumar Jha, learned Counsel for
the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Rasalpur P.S. Case No. 47 of 2025 for the offence registered under sections 127(2), 115(2), 109, 74, 352, 351(2) of BNS, 2023 lodged on 11.03.2025 by the informant, Sagar Kumar.

3. As per the prosecution story, the informant alleged that the petitioners had grudge as he had given evidence against them. Earlier, on the fateful day, in an intoxicated state, they assaulted causing injury on his head. This led to the FIR.



4. Learned Counsel for the petitioners submit that allegation of assault is on three persons, the petitioners herein, whereas only one injury is on the head which too has been found to be simple in nature as would reflect from the medical report issued by the Sub-Divisional Hospital, Kahalgaon, Bhagalpur (Annexure-P/2). The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner nos. 2 and 3, namely, Rajeev Kesera and Suraj Kumar on its own would like to contribute towards the medical assistance of Rs. 10,000/- each (total Rs. 20,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that that petitioners have criminal antecedent.

6. Considering the submissions of the parties as also the fact that though the assault is there on the informant, the injury has been found to be simple in nature, FIR is there, they shall be facing the music, in that background, this Court is



inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 10,000/- each (total Rs. 20,000/-) by the petitioner nos. 2 and 3, namely, Rajeev Kesera and Suraj Kumar to Sagar Kumar as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Rasalpur P.S. Case No. 47 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *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 his bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) 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;

(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.

(Rajiv Roy, J)

Vijay Singh/-

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