

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41842 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- GOGRI District- Khagaria

1. Dhiraj Singh @ Dhiraj Kumar Son of Kalo Singh @ Kaleshwar Mandal R/o Village Fatehpur, P.S Gogari , District Khagaria (Bihar)
2. Chhotu Singh @ Suraj Kumar Son of Kalo Singh @ Kaleshwar Mandal R/o Vill- Fatehpur, P.S - Gogari , Distt.- Khagaria
3. Santosh Singh @ Santosh Kumar Son of Tanuk Lal Singh R/o Village Fatehpur, P.S Gogari , District Khagaria (Bihar)
4. Kalo Singh @ Kaleshwar Mandal Son of Late Sukhdeo Singh @ Sukhdeo Mandal R/o Village Fatehpur, P.S Gogari , District Khagaria (Bihar)
5. Kishor Mandal @ Kishore Kumar Son of Baleshwar Singh @ Baleshwar Mandal R/o Village Fatehpur, P.S Gogari , District Khagaria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate
For the State	:	Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2025 Heard Mr. Rakesh Kumar, learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Gogari P.S. Case No. 69 of 2025 for the offence registered under Sections 126(2), 115(2), 117(2), 109, 303(2) and 352 of the BNS, 2023 lodged on 19.03.2025 by the informant Pravin Singh.

3. As per the prosecution story, the informant alleged that while he was going to his *bathan*, the accused persons armed variously came and started assaulting. The allegation is that Vinod Singh gave *gadasa* blow on the head of the informant causing



injury and he became unconscious. As he raised alarm, the family members Ranjit Singh and Mukesh Mandal came, whereafter allegation is that Avish Kumar and Kishore Mandal gave lathi blow causing injury on the hands of both. Dhiraj Singh and Santosh Singh also gave lathi blow to Mukesh Mandal injuring him. The allegation against Santosh Singh is of snatching gold pendent while Chhotu Singh took away Rs. 20,000/-. This led to the FIR.

4. Learned counsel for the petitioners submits that there is case and counter case. He submits that there is Title Suit No. 81 of 2022 pending between the parties which lead to the exaggerated FIR. Though the accused side have also suffered injury, it has brought to the notice of the higher police officials when the police station chose not to lodge FIR. Injuries to all the injured have been found to be simple in nature and 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's side has alleged injuries, the petitioners on their own would like to contribute Rs. 3,000/- each (totalling Rs. 15,000/-) towards the medical assistance of the three injured @ Rs. 5,000/- each 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 they have assaulted a number of family members of the informant causing injuries.

6. Considering the submissions of the parties as also the fact that there is land dispute, injuries have been found to be simple in nature, some of the petitioners have no criminal antecedent, in that background, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 3,000/- each (totalling Rs. 15,000/-) as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court to be handed over to the three injured @ of Rs. 5,000/- each.

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 C.J.M., Khagaria in connection with Gogari P.S. Case No. 69 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 is *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 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)

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