

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44383 of 2025

Arising Out of PS. Case No.-102 Year-2025 Thana- KHIJARSARAI District- Gaya

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1. Rajesh Kumar S/O Naresh Ram Resident of village- Kaith Vigaha, P.S.- Khizersarai, District- Gaya, Bihar, Pin code-824233
 2. Maya Devi W/O Rajesh Kumar Resident of village- Kaith Vigaha, P.S.- Khizersarai, District- Gaya, Bihar, Pin code-824233
 3. Mohit Kumar S/O Rajesh Kumar Resident of village- Kaith Bigaha, P.S.- Khizersarai, District- Gaya, Bihar, Pin code-824233
 4. Naresh Ram S/O Late Ram Vrat Ram Resident of village- Kaith Vigaha, P.S.- Khizersarai, District- Gaya, Bihar, Pin code-824233

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhinav Alok, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-07-2025 Learned counsel for the petitioners submit that there is confusion regarding the age of petitioner no. 3, Mohit Kumar and as such, he may be permitted to withdraw his prayer for anticipatory bail with liberty to press afresh if it is found that the petitioner, Mohit Kumar is not a minor.

2. Granting said liberty, the prayer put forwarded by the petitioner no. 3, Mohit Kumar stands rejected.

3. Heard Mr. Abhinav Alok, learned counsel for the petitioner and the State.

4. The petitioners are apprehending their arrest in



connection with Khizersarai P.S. Case No. 102 of 2025 for the offence under sections 126(2), 115(2), 352, 74 and 329(3) and 109 of the B.N.S. lodged on 10.04.2025 by the informant, Anita Devi.

5. As per the prosecution story, on minor issue, the family member/accused attacked the informant side in which allegation is that the petitioner no. 3, Mohit Kumar alongwith family members assaulted the informant and her husband causing injuries. This led to the FIR.

4. Learned counsel for the petitioners submit that they are family members and only due to dispute relating to partition, the case has been lodged, the injuries have been found to be simple in nature and since, they are family members, petitioner nos. 1 and 2, on their own, 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, would like to contribute Rs. 5,000/- each (totalling Rs. 10,000/-) towards the medical assistance of the injured 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 opposes the prayer submitting that the



assault took place causing injuries to both the informant and her husband.

6. Taking into account the submissions of the parties as also that one of the petitioner is a lady, injuries have been found to be simple in nature and the petitioner nos. 1, 2 and 4 have no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- each (totalling Rs. 10,000/-) 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 to be handed over to the injured.

7. Let the petitioners be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned JMFC - 1st Class, Gaya in connection with Khizersarai P.S. Case No. 102 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner nos. 1, 2 and 4 who shall provide official document to show his/her bona fide;

(ii) the petitioner nos. 1, 2 and 4 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 petitioner nos. 1, 2 and 4 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;

(iv) the petitioner nos. 1, 2 and 4 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)

Adnan/-

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