

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41803 of 2025

Arising Out of PS. Case No.-969 Year-2024 Thana- SIKARPUR District- West Champaran

1. Rajesh Prasad Sah @ Rambhu Sah S/O Late Tapeswar Sah Resident of village- Kehuniya, P.S.- Sikarpur, District- West Champaran
2. Raushan Kumar @ Rubhan Kumar @ Kawnetra Kumar @ Kavindra Kumar S/O Dharmendra Sah Resident of village- Kehuniya, P.S.- Sikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Shikarpur P.S. Case No. 969 of 2024 for the offence under sections 126(2), 115(2), 118(1), 110, 303(2), 352, 351(2) and 3(5) of the B.N.S. lodged on 27.12.2024 by the informant, Rakesh Kumar Mishra.

3. As per the prosecution story, the informant alleged that the accused side armed variously came, surrounded him and thereafter, allegation is of assault by wooden rod. When the sister, Juli Kumar came to the rescue, upon the order of the petitioner no. 1, Rajesh Prasad his grandson, Raushan Kumar, petitioner no. 2, assaulted her on her head with farsa causing



head injury. The further allegation is of taking the golden earring. They were shifted to Primary Health Center, Narkatiyaganj and then to Government Medical College and Hospital, Bettiah for treatment. This led to the FIR.

4. Learned counsel for the petitioners submit that there is case and counter-case, both sides have suffered injury, with the help of different annexures, he submits that the injuries 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. 5,000/- each (totalling Rs. 10,000/-) towards the medical assistance of the two 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 though there is case and counter-case, the injuries are there.

6. Taking into account the submissions of the parties as also the fact that the injuries are simple in nature, there is case and counter-case and both sides have suffered, 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.

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 ACJM-V, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 969 of 2024 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 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 appear before the concerned police station every fortnight for next six months to mark their 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 their bail bonds.

(Rajiv Roy, J)

Adnan/-

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