

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44484 of 2025

Arising Out of PS. Case No.-596 Year-2024 Thana- KHAGARIA District- Khagaria

1. Niraj Kumar @ Dhiraj Kumar S/o Ram Sharma @ Basudev Sharma R/o Village- Nayatola Bhadara (Bhadas), Uttari Ward No 13, P.S.- Gangaur, District- Khagaria
2. Karan Kumar @ Raj Karan Kumar S/o Devendra Sharma R/o Village- Nayatola Bhadara (Bhadas), Uttari Ward No 13, P.S.- Gangaur, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-07-2025 Heard Mr Vivekanad Singh duly assisted by Mr.

Hira Jha for the petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Khagaria P.S. Case No. 596 of 2024 for the offence under Sections 126(2), 115(2), 109, 352, 351(2), 303(2) and 3(5) of the Bharatiya Nyaya Sanhita lodged on 27.12.2024 by the informant Shabnam Kumari.

3. As per the prosecution story, the informant alleged that after exchange of words between the parties on the issue of Rs. 15,000/-, the allegation is that the Ram Sharma @ Basudev Sharma and Sanjiv Kumar used iron rod to assault the husband of the informant, namely, Raushan Kumar, he became



unconscious and fell down on the ground. Further allegation against these two petitioners of snatching Rs. 25,000/- beside a gold chain from her husband. This led to the F.I.R.

4. Learned counsel for the petitioners submits that bare perusal of the F.I.R. would show that the assault had been assigned to the aforesaid two individuals, there is case and counter case, the accused side has suffered loss of life, in as much as, one of the co-accused Ram Sharma @ Basudev Sharma is no more. Further, though the injury to Raushan Kumar has been found to be grievous and the same has been attributed to the aforesaid two accused persons, these petitioners have been roped in only because they are students, and family members further, they have no criminal antecedent.

5. Learned APP opposes the prayer and submitting that the allegation of snatching of amount/gold chain is/are there.

6. Considering the submissions of the parties and as also the fact that the main role of assault is attributed to Ram Sharma @ Basudev Sharma and Sanjiv Kumar, these two petitioners are young students having no criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail.



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) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria P.S. Case No. 596 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(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 bail bonds.

(Rajiv Roy, J)

Jyoti Kumari/-

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