

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41854 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- SALIMPUR District- Patna

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1. Mukesh Kumar Son of Birendra Ray village- Lakhipur PS- Salimpur, Dist- Patna
 2. Birendra Ray Son of Jogi Ray village- Lakhipur PS- Salimpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Kashyap, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Suraj Kumar, Advocate
	:	Ms. Sandhya Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 15-10-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Salimpur P.S. Case No. 09 of 2025 registered for the offence under Sections 127(1), 115(2), 109, 117(2), 352, 351(2) and 3(5) of the B.N.S., lodged on 10.01.2025 by the informant, Bimlesh Kumar.

3. Learned counsel for the petitioner submits that during the pendency of the petition, petitioner no.2, Birendra Ray has been arrested and as such, he may be permitted to withdraw the petition for petitioner no.2.

4. Accordingly, the anticipatory bail application of the petitioner no.2, Birendra Ray is dismissed as withdrawn.



5. As per the prosecution story, the informant alleged that on the issue of dropping of the water, upon protest, after abuse, allegation of assault is assigned to the accused persons causing injury to his brother Rahul Kumar. Sanoj Kumar also assaulted on his head and threatened of dire consequences if the F.I.R. is lodged. This led to the present case.

6. Learned counsel for the petitioner submits that omnibus allegation is against all the accused persons, the injury has been found to be simple in nature and so far as the petitioner no.1, Mukesh Kumar is concerned, he has no criminal antecedent. Last submission is that without accepting the allegation or outcome of the present petition, the petitioner no.1, Mukesh Kumar intends to pay Rs.5,000/- to the informant towards treatment by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of bail bond.

7. Learned APP as also learned counsel for the informant opposes the prayer and jointly submitting that all the accused persons assaulted the informant side.

8. Taking into account the submissions of the parties as also that mainly allegation is against Sanoj Kumar, injury has been found to be simple in nature, the petitioner no.1, Mukesh



Kumar has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.5,000/- by petitioner no.1, Mukesh Kumar to the informant as undertaken by the learned counsel for the petitioner through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of the bail bond and the same shall be handed over to the informant after checking the credentials.

9. Let the petitioner no.1, Mukesh Kumar 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 Additional Chief Judicial Magistrate-I, Barh, Patna, in connection with Salimpur P.S. Case No. 09 of 2025 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 petitioner no.1, Mukesh Kumar who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1, Mukesh Kumar 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/her bail bond by the Trial Court itself;

(iii) the petitioner no.1, Mukesh Kumar shall appear before the concerned police station every fortnight for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) the petitioner no.1, Mukesh Kumar 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 petitioner no.1, Mukesh Kumar 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)

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