

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46939 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- KESARIA District- East Champaran

Harshit Kumar son of Ajay Kumar singh @ Ajay Singh Resident of Village-
Belwatiya Siswa Patna, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47312 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- KESARIA District- East Champaran

1. Ajay Kumar Singh @ Ajay Singh S/O Suresh Singh Resident of Village-
Belwatiya, Siswa Patna, District- East Champaran.
2. Ranjay Singh @ Ranjay Kumar S/O Suresh Singh Resident of Village-
Belwatiya, Siswa Patna, District- East Champaran.
3. Ankit Kumar S/O Ajay Kumar Singh @ Ajay Singh Resident of Village-
Belwatiya, Siswa Patna, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47890 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- KESARIA District- East Champaran

Madan Singh @ Abhay Singh S/o Suresh Singh Resident of Village-
Belwatiya Siswa Patna, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 46939 of 2025)
For the Petitioner/s : Mr. Dhurendra Kumar



For the State : Mr. Ashok Kumar Singh
For the Informant : Mr. Vikash Kumar Pankaj
Mr. Rishav Dev

(In CRIMINAL MISCELLANEOUS No. 47312 of 2025)

For the Petitioner/s : Mr. Dhurendra Kumar
For the State : Mr. Ashok Kumar Singh
For the Informant : Mr. Vikash Kumar Pankaj
Mr. Rishav Dev

(In CRIMINAL MISCELLANEOUS No. 47890 of 2025)

For the Petitioner/s : Mr. Dhurendra Kumar
For the State : Mr. Awadhesh Kumar Singh
For the Informant : Mr. Vikash Kumar Pankaj
Mr. Rishav Dev

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 01-11-2025 Heard learned counsel for the parties.

2. At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail petition, the petitioner, namely, Ankit Kumar (Cr. Misc. No. 47312 of 2025) has been arrested and, as such, the application as against him has become infructuous. He, therefore, seeks permission to withdraw this petition with respect to petitioner, namely, Ankit Kumar.

3. In view of the aforesaid submission, this petition is dismissed as withdrawn as having become infructuous with respect to petitioner namely, Ankit Kumar (Cr. Misc. No. 47312 of 2025) only.

4. The remaining petitioners apprehend their arrest for the offences alleged under Sections 126/ 115(2)/ 118(1)/ 109/ 117(2)/ 329(3)/ 329(4)/ 352/ 351(2)/ 3(5) of the BNS, registered



in connection with Kesariya P.S.Case No. 74 of 2025.

5. As per the allegation, the petitioners along with other co-accused persons assaulted the informant and his family members with lathi, rod etc. due to which they got injured. It is further alleged that they looted ornaments, clothes and Rs. 2 lakhs cash.

6. The learned counsel for the petitioners has submitted that the petitioners are innocent and are falsely been implicated in the present case. There is case and counter case between the parties and out of the injuries suffered by the informant, one of the injuries is grievous in nature which is attributed against the petitioner, namely, Madan Singh (Cr. Misc. No. 47890 of 2025). So far as the petitioner Harshit Kumar (in Cr. Misc. No. 46939 of 2025) is concerned, there is specific allegation against him that he assaulted Rameshwar Singh by iron rod who suffered injury but opinion of the doctor is reserved. It has further been submitted that a Medical Board was constituted for examination of the injured persons but the injured persons are not appearing before the Medical Board for their examination. He has further submitted that though the process under Section 82 has been issued but the Hon'ble Apex Court in the case of *Asha Dubey vs. The State of Madhya Pradesh, in Cr. Appeal No. 4564 of 2024/*



SLP (CRL.) No. 13123 of 2024 has observed as follows:

“Insofar as the proceedings initiated under Section 82 of the Code of Criminal Procedure, 1973 (for short, ‘Cr.P.C.) against the appellant are concerned, it is submitted that it is not as if there is a complete embargo to consider the application for grant of anticipatory bail”.

7. On the other hand, the learned APP has opposed the prayer for anticipatory bail of the petitioner and submitted that there is specific allegation against the petitioner, namely, Madan Kumar of assaulting the informant and the injury sustained by the injured is grievous in nature.

8. Considering the above facts and circumstances, let the petitioners, namely, Harshit Kumar, Ajay Kumar Singh, Ranjay Singh, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, East Champarn, Motihari, in connection with Kesariya P.S.Case No. 74 of 2025, subject to the conditions as laid down under Section 438(2) Cr. P.C./ 482(2) of the BNSS, 2023.

9. So far as petitioner, namely, Madan Kumar is concerned, there is specific allegation against him of assaulting



the informant and the injury sustained by the injured is grievous in nature. So, he does not deserve the privilege of anticipatory bail. Accordingly, prayer for anticipatory bail of Madan Kumar stands rejected.

(Nawneet Kumar Pandey, J)

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