

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58933 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- NOKHA District- Rohtas

1. Bindeshwari Chaudhary @ Vindeshwari Singh @ Vindeshwari Chaudhary
Son of Late Dev Narayan Chaudhary
2. Prem Kumar @ Bhola Kumar Son of Bindeshwari Chaudhary @
Vindeshwari Singh @ Vindeshwari Chaudhary.
Both are Resident of Village - Parsan Tola (Parsar Tola), P.S.- Nokha,
District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-10-2025 Heard Mr.Mithilesh Kumar Singh, learned counsel

for the petitioners and Mr.Ashok Kumar Singh, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Nokha P.S.Case No.26/2025, FIR dated
31.01.2025 registered for the offences punishable under
Sections 109(1), 126(2), 115(2), 190, 191(2), 193(3), 352,
351(2), 351(3) of the Bharatiya Nyaya Sanhita and Sections 25
(1-B)a, 26, 27, 35 of the Arms Act.

3. According to the case of prosecution, it is alleged
that at the time of incident when the informant was sitting in his
door allegedly the petitioners along with other named and 15-20



unnamed accused persons reached there and they assaulted to the informant with the help of fists and slaps. It is further alleged that at that time, co-accused Suraj Kumar fired from his Katta, due to that one fire injury has been sustained on the hand of the wife of the informant. Allegedly, on the spot, six accused persons have been caught hold by the villagers and other were fled away from the spot.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent. It appears from the FIR itself that due to admitted land dispute the present occurrence had taken place and there is case and counter case. Although the petitioners are named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and there is specific allegation of firing attributed against co-accused person, namely, Suraj Kumar and similarly situated co-accused person, namely, Chandan Kumar has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 11.08.2025 passed in Cr. Misc. No.50181 of 2025.

5. Learned A.P.P. for the State, on the other hand, has



vehemently opposed the prayer for anticipatory bail of the petitioners .

6. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioners in the FIR rather there is general and omnibus allegation against all the accused persons including the petitioners and similarly situated co-accused person, namely, Chandan Kumar has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the 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 Additional Chief Judicial Magistrate, Sasaram in connection with Nokha P.S.Case No.26/2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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