

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61278 of 2025

Arising Out of PS. Case No.-99 Year-2025 Thana- BHAPTIAHI District- Supaul

1. Kamal Kishor Sah S/O Lakhichandra Sah @ Lakhichan Sah @ Lakhichandra Sah R/O Vill.- Majhaua, Ward No. 4, P.S.- Bhaptiyahi, District- Supaul
2. Nawal Kishore Sah S/O Lakhichandra Sah @ Lakhichan Sah @ Lakhichandra Sah R/O Vill.- Majhaua, Ward No. 4, P.S.- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 18-12-2025 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhaptiyahi P.S. Case No.99 of 2025, F.I.R dated 21.04.2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 351(2), 352, and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant, Ram Kumar Bharti, alleged that while preparing his land for sowing jute, he learnt that the accused were sowing moong on his field. When the informant and his father objected, the accused allegedly assaulted his father with an iron rod and farsa and also



assaulted the informant. It is further alleged that two accused tried to strangle his father, who was saved by a villager. On alarm, the accused fled after threatening the informant. The injured father was taken to Raghopur Hospital for treatment, and the accused are stated to be habitual criminals who are continuing to threaten the informant.

4. Learned counsel for the petitioners submits that the informant and petitioner are agnates and for similar allegation, the father of the petitioner has already been taken into custody and he is on regular bail. There is case and counter case in which there is also an allegation of assault on the father of the petitioner by the informant and his family members, where the father of the petitioner is said to have been injured by them. It has next been submitted that for similar issues relating to land dispute, earlier the aunt of the informant had lodged an F.I.R. against the petitioner and his family members and in which they are already on regular bail. It has further been submitted that the injuries which is said to have been caused is grievous in nature, while the allegations against these two petitioners including the father of the petitioner is general and omnibus in nature and father of the petitioners was already taken into custody by the Police, and is on bail.



5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that there is case and counter case and father of the petitioner, for similar allegations, was taken into custody and is on regular bail and the petitioner and informant are close agnates. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

7. Let the petitioner, above named, in the event of his/her 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) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Supaul, in connection with Bhaptiyahi P.S. Case No.99 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

(iv) the petitioner(s) 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.

(Ajit Kumar, J)

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