

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66314 of 2025

Arising Out of PS. Case No.-320 Year-2025 Thana- LAURIA District- West Champaran

1. Rakesh Sah Son of Jagarnath Sah R/O Village - Lauriya Mishra Tola, Police station - Lauriya, District - West Champaran.
2. Jagarnath Sah Son of Late Meghu Sah R/O Village - Lauriya Mishra Tola, Police station - Lauriya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-09-2025 Learned counsel for the petitioner submits that during the pendency of the petition, petitioner no. 1, Rakesh Sah has been arrested and as such, he may be permitted to withdraw the petition against him.

2. Permission accorded.

3. The anticipatory bail application stands dismissed as withdrawn with regard to petitioner no. 1, Rakesh Sah.

4. Heard the parties.

5. The petitioner is apprehending his arrest in connection with Lauria P.S. Case No. 320 of 2025 for the offence under sections 126(2), 115(2), 118(1), 109(1), 352, 303(2) and 3(5) of the B.N.S. lodged on 23.07.2025 by the informant, Rita Devi.

6. As per the prosecution story, the informant alleged that due to old dispute, the neighbour firstly abused her and on



objection, allegation is that Ravi Kumar assaulted with '*farsa*' on her head causing injury. Further, while Bhagelu Sah assaulted with lathi on her back, Rakesh Sah gave lathi blow to her husband, Suresh Sah on back while Jagarnath Sah assaulted her son, Golu Kumar on back. Allegation of taking away Rs. 5,000/- is also against petitioner no. 1. Rakesh Sah. This led to the FIR.

7. Learned counsel for the petitioner submits that so far as the petitioner no. 2, Jagarnath Sah is concerned, only allegation is of assaulting the son, Golu Kumar on the back and no such injury has been found incorporated in course of the investigation. The only injury that has come is related to Rita Devi and that too has been found to be simple in nature but the assault is not attributed to him.

8. Learned APP opposes the prayer submitting that all of them assaulted the informant side.

9. Taking into account the submissions of the parties as also that the petitioner no. 2, Jagarnath Sah do not have criminal antecedent and the injury report of Golu Kumar is not available, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

10. Let the petitioner no. 2, Jagarnath Sah 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-First, Bettiah, West Champaran in connection with Lauria P.S. Case No. 320 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner no. 2, Jagarnath Sah who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 2, Jagarnath Sah 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 bail bond by the Trial Court itself;

(iii) the petitioner no. 2, Jagarnath Sah shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner no. 2, Jagarnath Sah 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. 2, Jagarnath Sah shall desist



from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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