

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68553 of 2025

Arising Out of PS. Case No.-268 Year-2021 Thana- GOPALPUR District- Gopalganj

Chhotan Rai @ Chhotan Kumar S/O Late Bindhyachal Rai R/O Village-
Ahirauli Dubauli, P.S.- Gopalpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Pandey, Advocate Mr. Rajesh Kumar, Advocate
For the Informant	:	Mr. Shubhesh Pandey, Advocate Mr. Amit Kumar Mishra, Advocate
For the State	:	Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-10-2025 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Gopalpur Police Station Case No. 268 of 2021, disclosing offences punishable under Sections 147, 148, 149, 323, 324, 302, 307, 448, 354(B), 504 and 506 of the Indian Penal Code.

3. As per the prosecution-story, the informant, who is the brother-in-law of the deceased, has alleged that in the morning of 26.11.2021, petitioner along with other named accused came at the entrance of the house of the informant, abused the family members and pressurized them to withdraw



the case lodged against them. Upon refusal, they assaulted the deceased and other family members. The allegation against the petitioner is that he along with other co-accused assaulted the deceased along with other accused persons.

4. Learned counsel for the petitioner submits that on the basis of allegation made in the F.I.R., the investigation proceeded. The police, after investigation, submitted final form not sending the petitioner and five others for trial. Charge-sheet was filed against four persons. The learned Magistrate differed with the final form and took cognizance against the petitioner and others. The petitioner and others preferred revision before the District Court, Gopalganj and learned Additional Sessions Judge-III, Gopalganj in Cr. Revision No. 1545 of 2022 dated 09.01.2023 passed the order allowing the revision filed by the petitioner and set aside the cognizance order in respect of the petitioner and others. The informant preferred quashing application before this Court in Cr. Misc. No. 21978 of 2023 and a Co-ordinate Bench of this Court vide its order dated 17.10.2023 dismissed the same and gave liberty to the informant/petitioner to prefer revision before this Court under Section-397 of Cr. P.C. Similarly situated co-accused persons, against whom the charge-sheet was not filed, preferred a



criminal writ petition before this Court in Cr. W.J.C. No. 1339 of 2025 and a Co-ordinate Bench of this Court vide its order dated 24.07.2025 directed them to appear before the learned Trial Court under Section-319 Cr.P.C./358 of B.N.S.S. and also released them on bail on furnishing bail-bond of Rs.10,000/- with two sureties of the like amount each. Two other similarly situated persons, namely Rintu Shukla @ Rinto Shukla and Nitesh Rai filed a bail application before this Court in Cr. Misc. No. 64330 of 2025 and they were released on bail by a Co-ordinate Bench of this Court vide order dated 25.09.2025. Another similarly situated person, namely Shubhnath Rai @ Shubhnath Ray also approached this Court for grant of anticipatory bail in Cr. Misc. No. 61571 of 2025 and a Co-ordinate Bench of this Court vide its order dated 15.09.2025 rejected the bail application. Accordingly, the submission is that out of six non-charge-sheeted persons, four have been released on bail by this Hon'ble Court.

5. On the other hand, learned counsel for the informant submits that the petitioner is the main assailant as per the F.I.R. and he has been summoned by the learned Trial Court under Section-358 of B.N.S.S. He can appear and seek regular bail before the Trial Court.



6. Having heard learned counsel for the parties and taking into consideration the fact that out of six non-charge-sheeted persons, four have been granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 learned ADJ-III, Gopalganj, in connection with Gopalpur Police Station Case No. 268 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

K.C.Jha/-

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