

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71217 of 2025

Arising Out of PS. Case No.-66 Year-2025 Thana- UCHKAGAON District- Gopalganj

1. Babulal Rai Son of Late Devi Dhari Rai Resident of Village- Siswaniya, PS- Uchakagaon, District- Gopalganj
2. Uday Shankar Rai S/o Late Dev Dhari Rai Resident of Village- Siswaniya, PS- Uchakagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Dubey, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-10-2025

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Uchkagaon P.S. Case No. 66 of 2025 registered for the offence under Sections 126(2), 115(2), 109, 118(2), 351(2), 352(2) and 3(5) of the B.N.S., lodged on 06.03.2025 by the informant, Raghwendra Rai.

3. As per the prosecution story, the informant alleged that on land dispute, the petitioners became aggressor and assaulted the informant, one by the wooden rod and other by knife causing injuries to the informant. This led to the F.I.R.

4. Learned counsel for the petitioners submit that there is case and counter case, both the parties are agnates, on



petty issue scuffle took place, which has been exaggerated. Learned counsel with the help of Annexure-2, has taken this Court to the Primary Health Centre, Uchkagaon injury report to show that the informant has sustained simple injury. Last submission is that without accepting the allegation or outcome of the petition the petitioners intend to pay Rs.10,000/- each (totaling Rs.20,000/-) to the informant towards treatment by Demand Draft issued by the local branch of the State Bank of India/Nationalized Bank.

5. Let the copy of the counter case lodged by the petitioners, which has been provided by the learned counsel for the petitioners be kept on record.

6. Learned APP opposes the prayer submitting that the injury has been found to be simple in nature, the petitioners have two criminal antecedent.

7. At this stage, learned counsel for the petitioner submit that if granted relief, they shall not indulge in any criminal activity and if such further criminal activity comes/lodged, the State shall be free to take steps for cancellation of the bail bond.

8. Taking into account the submissions of the parties as also that there is case and counter case, the injury has been



found to be simple in nature, an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.10,000/- each (totaling Rs.20,000/-) to the informant as undertaken by the learned counsel for the petitioners through Demand Draft issued by the local branch of the State Bank of India/Nationalized Bank to be submitted at the time of execution of the bail bond and the same shall be handed over as and when the informant comes to the Court after checking his/her credentials.

9. Let the petitioners 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) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Gopalganj, in connection with Uchkagaon P.S. Case No. 66 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

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

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

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

(Rajiv Roy, J)

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