

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77524 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- DARPA District- East Champaran

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1. Sushil @ Ankesh Kumar @ Sushil Kumar Patel S/O Bhikhari singh Resident of village- Bakhtaura, P.S.- Darpa, Dist.- East Champaran.
 2. Aditya Kumar S/O Salendra Singh Resident of village- Bakhtaura, P.S.- Darpa, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-11-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Darpa P.S. Case No. 94 of 2024, registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307, 354, 379, 504, 506 of the Indian Penal Code.

3. The allegation against the petitioners is of causing assault to Amit Kumar and further Sanjeev Kumar, respectively, besides there is omnibus allegation against other accused persons of causing assault to the informant and others as well as snatching of valuables.

4. Learned Advocate for the petitioners submitted that so far the allegation against the petitioners is of causing assault to two of the above named persons, that have been found to be



false during the course of investigation and accordingly the petitioners were not sent up for trial. However, differing with the final report, the learned jurisdictional court has taken cognizance for the offences as alleged in the FIR vide order dated 25.06.2025, copies of the final report as well as the order taking cognizance have been placed on record. It is further contended that other co-accused persons facing identical allegation have been allowed the privilege of anticipatory bail by a Bench of this Court in Cr. Misc. No. 7321 of 2025, Cr. Misc. No. 9835 of 2025 and Cr. Misc. No. 23614 of 2025, copies of the order have been placed on record. The impugned order also does not discussed about the injury sustained to Amit Kumar and Sanjeev Kumar. Moreover, one of the person, who sustained grievous injury, is not attributed against the petitioners.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioners along with others have brutally assaulted the informant and others due to which they sustained serious injury.

6. Regard being had to be submissions made on behalf of the parties and considering the fact that during the course of investigation the police has found no complicity of the



petitioners and accordingly they have not sent up for trial, besides their fair antecedent and the case of the petitioners is based on parity with those who have been accorded the privilege of anticipatory bail, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Raxaul at Motihari, East Champaran in connection with Darpa P.S. Case No. 94 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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