

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5081 of 2026

Arising Out of PS. Case No.-173 Year-2025 Thana- SINDHIYA District- Samastipur

1. RAJ KUMAR PRASAD @ RAJ KUMAR SAHU Son of Late Lakshmi Sahu Resident of village - Mahara, Police Station - Singhiya, District - Samastipur.
2. Lalit Kumar @ Lalit Sahu Son of Late Ramvinay Sahu Resident of village - Mahara, Police Station - Singhiya, District - Samastipur.
3. Sonu Kumar @ Sonu Sahu Son of Late Ramvinay Sahu Resident of village - Mahara, Police Station - Singhiya, District - Samastipur.
4. Dayawati Devi @ Daywati Devi Wife of Raj Kumar Sahu Resident of village - Mahara, Police Station - Singhiya, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Singhiya P.S. Case No. 173 of 2025 lodged on 01.10.2025, for the offence punishable under Section 115(2), 126(2), 118(2), 191(2), 117(2), 109, 303(2), 351(2) & 352 of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioners. It has been alleged in the FIR that all the accused persons armed



with *farsa*, iron rod and iron *khanti* came at the house of the informant and started abusing the informant's father. It has been alleged that the petitioner no.1 and other accused person Gopal Sahu threw the informant's father on the ground and thereafter, petitioner no.1 has assaulted the informant's father with iron *khanti* on his head, due to which he sustained injury. The snatching of cash is also there in the FIR and thereafter, the accused persons threatened the informant's side and fled away.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. Counsel submits that the petitioners and the informant are co-parceners and a land dispute is going on between them. Counsel submits that the informant's side are very aggressive in nature and it is due to this reason, an informatory petition has already been filed in the year 2018. Subsequently, FIR has also been filed which is Annexure-P/2 i.e. Singhiya P.S. Case No. 178 of 2025. Counsel further submits that with a view to save the skin from the said FIR, the present FIR has been lodged in which the petitioners have been made accused. Counsel further submits that the petitioner nos.2 and 3 have no criminal antecedent, whereas, the petitioner nos. 1 and 4 have one criminal antecedent lodged by the informant's side. Counsel submits that



whatever be the dispute which is going on between the parties, beyond that, there is no dispute between them. Counsel submits that the petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that from the allegation made in the FIR, it become crystal clear that there is specific allegation of assault against petitioner no.1. But, he fairly submits that there is general and omnibus allegation against petitioner nos. 2, 3 and 4.

6. As such, in the present facts and circumstances of this case as well as considering the allegation made in the FIR, let the petitioner no.2 namely, Lalit Kumar @ Lalit Sahu, petitioner no.3 namely, Sonu Kumar @ Sonu Sahu and petitioner no.4 namely, Dayawati Devi @ Daywati Devi be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Judicial Magistrate 1st Class, Rosera, Samastipur, in connection with Singhiya P.S. Case No. 173 of 2025, subject to the conditions as laid down U/s 482(2) of the



B.N.S.S., 2023.

7. So far as petitioner no. 1 namely, Raj Kumar Prasad @ Raj Kumar Sahu is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is hereby rejected. However, seeing the enmity between the parties, liberty is hereby granted to petitioner no.1 that if he surrenders before the concerned Trial Court within a period of 4 weeks from today, then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner no. 1 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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