

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6694 of 2026

Arising Out of PS. Case No.-238 Year-2025 Thana- CHIRAIYA District- East Champaran

1. Bihari Rai son of Jamun Rai Resident of village - Raghopur, Ps- Chiraiya, Dist- East Champaran
2. Avanish Kumar son of Yugal Rai Resident of village - Raghopur, Ps- Chiraiya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-02-2026 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109, 119(1), 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. Allegedly, in the morning of the fateful day, while the informant was ploughing his field with a tractor along with his three brothers, in the meanwhile, altogether 29 named accused persons including these petitioners along with 5-7 unknown persons came there and objected to plough the land.



Upon protest, all of them brutally assaulted the informant and his brothers, leading to serious injuries to all of them. It is specifically alleged that in course of incidence while the brother of the informant came to his rescue, co-accused Vipin Rai carrying a sharp edged spade has assaulted over the head of the informant's brother, due to which he sustained serious injury. There is further allegation of causing assault to the informant and others, besides the allegation of damaging the tractor and other articles. Petitioner no. 1 is alleged to be the order giver and petitioner no. 2 is alleged to have fired upon informant and his brothers.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. Allegation of assault is general and omnibus. Petitioner no. 1 is only alleged to be the order giver and though there is allegation of firing against petitioner no. 2 but no one sustained any firearms injury. There is no allegation of any specific overt act against these petitioners. Moreover, there is counter version of the present case being Chiraiya P. S. Case No. 281 of 2025.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the nature of accusation and other facts



and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Sikrahna at Dhaka, East Champaran, Motihari in connection with Chiraiya P. S. Case No. 238 of 2025, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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