

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13812 of 2026

Arising Out of PS. Case No.-172 Year-2025 Thana- NIMCHAKBATHANI District- Gaya

1. Pinku Sharma S/O Shrikant Sharma Resident of Village- Kamalpur Tola-Chulahai Bigha, P.S.-Nimchak Bathani, District- Gaya.
2. Santosh Sharma S/O Shrikant Sharma Resident of Village- Kamalpur Tola-Chulahai Bigha, P.S.-Nimchak Bathani, District- Gaya.
3. Vibha Devi W/O Mantu Sharma Resident of Village- Kamalpur Tola-Chulahai Bigha, P.S.-Nimchak Bathani, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 24-06-2026 Learned counsel for the petitioner prays for and is allowed to withdraw the anticipatory bail application of petitioner no. 2, Santosh Sharma as he has been arrested during the pendency of the present petition.

2. Accordingly, the anticipatory bail application of petitioner no. 2, Santosh Sharma stands dismissed as withdrawn.

3. Heard the parties.

4. The petitioners are apprehending their arrest in connection with Neemchak Bathani P.S. Case No. 172 of 2025 for the offence under sections 126(2), 115(2), 352, 303(2), 109 and 3(5) of the BNS lodged on 08.08.2025 by the informant,



Surendra Kumar Sharma.

5. As per the prosecution story, the informant alleged that while he was taking his meal, the named accused persons came armed variously and they started assaulting which led to the injuries and the FIR.

6. Learned counsel for the petitioners submit that there is case and counter-case, both sides have suffered injuries, the petitioner no. 1, Pinku Sharma was also injured and several stitches took place on his head. Petitioner no. 3, Vibha Devi is a lady and only to implicate, she has been named in the FIR and the she do not have any criminal antecedent.

7. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that the case diary/injury report which was called for by the Coordinate Bench would show that the injuries have been found to be grievous in nature and the further submission is that petitioner no. 1 has criminal antecedent also.

8. Taking into account the submissions of the parties as also the allegation and the injury, no relief can be granted to the petitioner no. 1, Pinku Sharma and his anticipatory bail application stands rejected.

9. So far as the petitioner no. 3, Vibha Devi is concerned, though omnibus allegation is against her too, she is a



lady having no criminal antecedent, in that background, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

10. If, however, the petitioner no. 1, Pinku Sharma surrenders within four weeks, the concerned Court shall take up the matter and dispose it of preferably on the same day.

11. Let the petitioner no. 3, Vibha Devi 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) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya in connection with Neemchak Bathani P.S. Case No. 172 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner no. 3, Vibha Devi who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner no. 3, Vibha Devi 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 petitioner no. 3, Vibha Devi 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;

(iv) the petitioner no. 3, Vibha Devi shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

Adnan/-

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