

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10176 of 2026

Arising Out of PS. Case No.-177 Year-2025 Thana- BARHIYA District- Lakhisarai

1. Rakesh Kumar @ Rakesh Singh S/O Manoj Singh R/O Village- Khutahadih, P.S- Barhaiya, Distt.- Lakhisarai.
2. Kanhaiya Kumar S/O Rajniti Singh R/O Village- Khutahadih, P.S- Barhaiya, Distt.- Lakhisarai.
3. Shyamsundar Singh S/O Sidho Singh R/O Village- Khutahadih, P.S- Barhaiya, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 25-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in anticipation of their arrest in connection with Barhiya P.S. Case No. 177 of 2025 instituted for the offences punishable under Sections 191(2), 126(2), 115, 109(1), 303(2), 308(3), 352 and 351(2) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, the informant has alleged that all the named accused persons including the petitioners entered the house and started assaulting one Gopal Kumar causing grievous injuries thereafter all the accused



persons sat in the house of Santosh Kumar Singh and thereafter it is alleged that when the informant approached them Santosh Singh hit him on his head while the other accused persons including the petitioners gave several blows on the body of the informant causing grievous injuries.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated with very precise allegation attributed to each and every member of the accused side. It has been submitted that from the mere perusal of the FIR, it would be evident that specific and concentrated attributions have been made to each and every member of the accused side including the petitioners. However, from mere perusal of the same it would be evident that the petitioners have caused injuries by lathi upon both Gopal Kumar as well as the informant and the injuries sustained on the vital parts on both the injured persons were caused by other persons namely Santosh Kumar Singh and Chandan Kumar. It has further been submitted that there is a long standing land dispute between the parties and it is on account of such, the present incident occurred. There is case and counter case and there were two cases lodged on behalf of the two accused persons in the present case, which has been brought on record by way of Annexure P-2



and P-3. It has also been submitted that even the petitioners' side had received injuries. It has lastly been submitted that petitioners no. 1 and 2 have one criminal antecedent and petitioner no. 3 has three criminal antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, the petitioners are directed to 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, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Barhiya P.S. Case No. 177 of 2025, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioners and the other shall be a local resident:

(ii) the petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will liable to be cancelled by the Court



concerned;
(iv) the Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

krishna/-

U		T	
---	--	---	--

