

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10213 of 2026

Arising Out of PS. Case No.-377 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

1. Rakesh Sah @ Rakesh Kumar son of Late Dhrupati Sah Resident of Village - Chiutahan ,P.S. -Baikunthpur, District - Gopalganj Bihar
2. Raju Sah Son of Late Dhrupati Sah Resident of Village - Chiutahan ,P.S. -Baikunthpur, District - Gopalganj Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prasoon Shekhar, Adv.

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 24-02-2026 Heard Mr. Prasoon Shekhar, learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.

2. This application for grant of anticipatory bail arises out of Baikunthpur Police Station Case No. 377 of 2025 dated 01.10.2025, disclosing the offence under Sections 126(2), 115(2), 109(1), 74, 329(2), 351(3), 303(2) and 3(5) of the BNS lodged by the informant.

3. As per the prosecution case, the informant alleged that her daughter was assaulted by these petitioners and one Rupesh Sah for a pigeon. When the informant and her husband intervened in the matter, the petitioners, allegedly, assaulted her husband with iron rod and sword causing cut injury to her



husband's head. She further alleged that her prestige was also outraged and the accused persons also snatched her *Mangalsutra* and gold ear-rings of the value of Rs. 80,000/-. Accordingly, the present FIR.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged in the FIR and they have falsely been implicated in this case due to old enmity. He further submits that the present FIR is a counter version of the FIR being Baikunthpur PS Case No. 304 of 2025 having been filed on 23.08.2025 which is much prior to the present one instituted by the mother of these petitioners, namely, Girija Devi against the informant and others. He next submits that only, in retaliation, the present FIR has been lodged against these petitioners in which they are seeking anticipatory bail and the allegations levelled against them is not corroborated from the nature of injuries, which is said to have been sustained by the informant's side, rather they are found to be simple in nature. Petitioner's side has also lodged a counter case bearing Baikunthpur PS Case No. 383 of 2025 against the informant and others. Petitioners are also said to have received injuries. However, the petitioners further undertake not to get indulge in future in such kind of allegation and, in case, such allegations



are being levelled against them in future, the informant and the police will be at liberty to take steps for cancellation of their anticipatory bail.

5. On the other hand, learned counsel representing the informant and learned APP opposed the prayer for anticipatory bail of the petitioners but concedes that there is a case and counter case.

6. Considering the fact that the nature of injuries which is said to have been sustained by the family members of the informant do not corroborate the allegations as alleged in the FIR, there is a case and counter case between the parties and the petitioners have got clean antecedent, this Court is inclined to grant the petitioners the privilege of anticipatory bail.

7. This application for anticipatory bail is, accordingly, allowed.

8. Let the petitioners, named above, in the event of their arrest or surrender before the Court below within six weeks from today, be released 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 Smt. Sikha Kumari, learned Judicial Magistrate, 1st Class, Gopalganj/transferree court in connection with aforesaid Police Station Case subject to the



condition as laid down under Section 482 (2) of the B.N.S.S.
2023, as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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 his bail bond by the Trial Court itself;

(iii) the petitioner(s) 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

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/her bail bonds.

(Ajit Kumar, J)

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