

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11769 of 2026

Arising Out of PS. Case No.-351 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

1. Suresh Rai @ Anil Kr. Vidyarthi S/o Ramdev Prasad @ Ramdev Rai R/o Village - Basaha, P.S - Baikunthpur, District - Gopalganj, Pin - 841420
2. Gautam Rai @ Gautam Ray S/o Late Kalyug Rai @ Kalyug Ray R/o Village - Basaha, P.S - Baikunthpur, District - Gopalganj, Pin - 841420

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Roy, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 26-02-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with Baikunthpur P.S. Case No. 351 of 2025 corresponding to PTN-4954 of 2025 registered for the offences under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 132, 109(1), 121(1), 121(2), 351(2), 303(2), 352 and 3(5) of the B.N.S.

3. As per the prosecution case, the informant, who happens to be the ASI of police gave a written report that there was traffic being disturbed on account of an accident and one person was found dead. It has further been alleged that the named accused persons, including the petitioners and 30 to 40



other persons, variously armed with *lathi*, *danda* etc. started pelting stones on the police personnel due to which the police personnel sustained injury and three named accused even tried to snatch away the rifle.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated merely on suspicion. He further submits that the petitioners are nearby shop owners and they are only present to witness the occurrence as a good samaritan, however, they are falsely been implicated by the police. It has further been submitted that the petitioners were not involved in any kind of a stone pelting and even from the perusal of the injury report which has been referred to in the impugned order, the injuries sustained were found to be simple in nature. It has lastly been submitted that the petitioner no. 1 carries clean antecedent and petitioner no. 2 carries on antecedent which is lodged after the present case.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the aforesaid submission, facts and circumstances of the case, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks



from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Baikunthpur P.S. Case No. 351 of 2025 corresponding to PTN-4954 of 2025 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be their close relative.
- (ii) The petitioners shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.
- (iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned 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 bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the present application stands allowed.

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

(Sourendra Pandey, J)

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