

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14122 of 2026

Arising Out of PS. Case No.-531 Year-2025 Thana- BAIRIYA District- West Champaran

1. Mantosh Kumar @ Mantosh Sharma S/o Sanchit Sharma Resident of Village- Laukariya, Ward No. 16, P.S.- Bairiya, Dist.- West Champaran
2. Mukesh Kumar @ Mukesh Sharma S/o Sanchit Sharma Resident of Village- Laukariya, Ward No. 16, P.S.- Bairiya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sitesh Kashyap

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-03-2026 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in connection with Bairiya P.S. Case No.531/2025, registered for the offences punishable under Sections 126(2), 115(2), 76, 109(1), 303(2), 352, 351(2) and 3(5) of the B.N.S.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and the informant alleges that 30 katha of land was equally divided amongst the three brothers after leaving a 10 ft. path but petitioners who are his nephew along with other named accused persons were



constructing a room over the path, on objection by the daughter-in-law of the informant, namely, Madhu, the brother of the informant namely Sanchit and his daughter-in-law started abusing and assaulting Madhu and tore her saree, further when the son of the informant Rakesh came to save Madhu, Mukesh and Mantosh (petitioners) on order of their father Sanchit, assaulted him by bamboo causing injury on mouth and nose and he became unconscious, thereafter Babita, Sarita and Renu assaulted his wife and younger son and Shravan took out Rs.10,000/- from his pocket and Mukesh snatched his chain.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence took place on account of dispute relating to land. It is also submitted that petitioners are own nephew of the informant. It is further submitted that though it is alleged that petitioners assaulted Rakesh by bamboo causing injury but then the allegation of assault is not specific. It is also submitted that petitioner no.2 is a young boy aged about 19 years.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for



anticipatory bail of the petitioners. Learned counsel appearing on behalf of the informant submits that FIR is not an encyclopedia that all the facts are given in detail. It is next submitted that there is specific allegation of assaulting Rakesh by the petitioners. It is also submitted that the assault was so brutal that Rakesh had to be referred to PMHC and had to undergo a brain surgery. It is next submitted that no doubt the occurrence took place on account of dispute relating to land amongst the agnates but then the manner in which the force was used by the petitioners amply demonstrates their intention. It is also submitted that the injuries have been opined to be grievous in nature. It is next submitted that no doubt the petitioner no.2 is a young boy but then petitioners earlier were also implicated in a case registered under the Indian Penal Code and POCSO Act which further reflects their mentality. It is also submitted that if privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond.

6. After hearing the learned counsel for the parties, the Court is in complete agreement with the submissions made by the learned counsel appearing on behalf of the informant as such is not inclined to extend the privilege of anticipatory bail to the petitioners.



7. The anticipatory bail application of the petitioners
is rejected.

(Satyavrat Verma, J)

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