

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17761 of 2026

Arising Out of PS. Case No.-515 Year-2020 Thana- HARSIDHI District- East Champaran

1. Rabindra Parasad @ Rabind Mahto son of Late Manager Mahto @ Manger Prasad Resident of Village- Hasuaha, P.S. -Govindpur, District -East Champaran
2. Mala Devi wife of Rabindra Prasad @ Rabindra Mahto Resident of Village- Hasuaha, P.S. -Govindpur, District -East Champaran
3. Ramesh Kumar @ Ramesh Prasad son of Late Manager Prasad @ Manager Mahto Resident of Village- Hasuaha, P.S. -Govindpur, District -East Champaran
4. Gudiya Kumari @ Gudiya Devi Wife of Ramesh Kumar Resident of Village- Hasuaha, P.S. -Govindpur, District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisu Zzoha, Advocate
		Mr. Nasar Iqbal, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-05-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 379, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioners no. 2 and 4 are women and the informant alleges that on 04.12.2020, at 06:30 a.m., his son went to attend the call of nature on his land when his agnates Ramesh (petitioner no. 3)



and Rabindra (petitioner no. 1) came and assaulted his son by fists and Rabindra assaulted the informant by rod causing injury on leg and Rajendra assaulted his wife by *farsa* causing injury on head and Ramesh snatched the chain of his wife and Mala (petitioner no. 2), Gudiya (petitioner no. 4) and Anju also assaulted.

4. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against the women accused. It is further submitted that Ramesh and Rabindra are alleged to have assaulted the son of the informant by fists and thereafter, Rabindra assaulted the informant by rod causing injury on leg and Rajendra is alleged to have assaulted the wife of the informant causing injury on head. It is next submitted that initially when the FIR was instituted, the same was under bailable sections of the Indian Penal Code, as such, the petitioners were to be enlarged on bail as a matter of right, hence, the petitioners appeared before the learned Trial Court and were released on bail but, thereafter, the police investigated the case and submitted charge-sheet on 30.12.2021 under various bailable sections of the Indian Penal Code including Section 307 of the Indian Penal Code, as such, the charge-sheet



was submitted with respect to an aggravated offence which was not part of the initial FIR. It is also submitted that petitioners never received any summons nor there is any service report on record suggesting that summons were served on the petitioners. It is submitted that even the police, during the course of investigation, did not make any endeavours to arrest the petitioners but, after charge-sheet was submitted, the petitioners, on receiving bailable warrant of arrest on 03.09.2025, came to know that charge-sheet has been submitted under Section 307 of the Indian Penal Code. It is further submitted that petitioners and the informant are agnates and, on account of dispute relating to land, the occurrence is alleged to have taken place. It is next submitted that even the injury suffered by the injured has been opined to be simple in nature, except one injury of the wife of the informant, which was caused on account of assault made by Rajendra who is not a petitioner in the instant case.

5. Learned counsel for the petitioners relying on a judgement of the Hon'ble Supreme Court in the case of **Prahlad Singh Bhati v. NCT Delhi** reported in **(2001)4 SCC 280** wherein it has been held that with the addition of a new cognizable and non-bailable offence, the accused person becomes disentitled to the liberty earlier granted in relation to



the offences for which the FIR came to be instituted, hence, the correct approach would be to apply mind afresh as to whether the accused persons are entitled for grant of bail in the changed circumstances or not.

6. Learned counsel for the petitioners, thus, submits that under the changed circumstances, the anticipatory bail would be maintainable as the petitioners, who were earlier enlarged on bail was with respect to bailable offence and in terms of the judgement of the Hon'ble Supreme Court. The petitioners became disentitled to the liberty earlier granted in relation to the offences for which the FIR came to be instituted, if aggravated offences are added later.

7. Learned A.P.P. for the State submits that from the order impugned, it would manifest that the learned District Court has not entertained the anticipatory bail application on the ground that petitioners earlier were granted the privilege of bail by the learned Trial Court when the FIR came to be instituted on which learned counsel appearing on behalf of the petitioners reiterates and submits that earlier the FIR was instituted with respect to bailable offences and the petitioners were granted the privilege of bail as a matter of right subsequently when the charge-sheet was submitted, it was in respect of an aggravated



offence, i.e., Section 307 of the Indian Penal Code in which cognizance was also taken, hence, the petitioners became disentitled for the relief granted earlier, hence, the anticipatory bail application is maintainable and the persons who is alleged to have assaulted the wife of the informant causing grievous injury is not a petitioner in the instant anticipatory bail application.

8. 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 petitioners, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Harsidhi P.S. Case No. 515 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

(Satyavrat Verma, J)

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