

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18974 of 2026

Arising Out of PS. Case No.-371 Year-2025 Thana- MASHRAK District- Saran

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1. Rishi Dev Kumar Son of Ramnath Rai R/o Vilage - Dharmasati - Gandaman(Dharmasati), Mashrakh, Dist - Saran, at Chapra.
 2. Sanjay Kumar Son of Ramnath Rai R/o Vilage - Dharmasati - Gandaman(Dharmasati), Mashrakh, Dist - Saran, at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ajit Kumar Singh
For the Opposite Party/s :	Mr.Mohammed Arif- A.P.P.
	Mr.Suresh Pd Singh No.1
	Mr.Aditya Raj

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-04-2026 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109, 352, 351(2), 351(3), 3(5) of the B.N.S.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 06.04.2025 at 8.00 P.M., all accused persons including the petitioners started constructing boundary over her land. On objection, Rishi assaulted her son Lalan by



rod causing fracture of hand and Shatrughan assaulted Lalan by rod causing injury on head and Sanjay along with Rishi assaulted Santosh by rod causing injury on head while Ram Nath assaulted Manju by lathi causing injury on head and the injured were taken to hospital.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that the instant FIR arises out of a complaint. It is further submitted that date of occurrence is 06.04.2025 and the complainant filed a complaint case on 09.05.2025 i.e. after more than 33 days of the occurrence and based on the said complaint the instant FIR came to be instituted on 28.08.2025. It is further submitted that on date of occurrence the side of the informant assaulted the side of the petitioners leading to death of Shatrughan during the course of treatment for which Mashrakh P. S. Case No.144 of 2025 was instituted. It is next submitted that if what has been alleged in the FIR is a correct fact, in that event, the fard-bayan of the injured would have been recorded in the hospital, but then, it appears that the FIR came to be instituted based on a written application of the informant, who is not alleged to be an injured. It is next submitted that no doubt, injury of the injured has been opined to



be grievous in nature, but then, the credibility of the injury i.e. the injury was caused on account of assault made by the petitioners or the injured suffered injury in some other manner is an aspect of investigation. It is also submitted that petitioner no.1 is alleged to have assaulted her son Lalan by rod causing fracture of hand while Sanjay along with Rishi are alleged to have assaulted Santosh by rod causing injury on head. It is further submitted that the injury suffered by Lalan is on non-vital part of the body and as far as Santosh is concerned, his injury also has been opined to be grievous, but then, allegation of assault is not specific rather it is alleged that Sanjay along with Rishi assaulted him when he suffered only one injury. It is further submitted that Shatrughan who is also an accused in the instant FIR was assaulted brutally by the side of the informant who died during the course of treatment.

5. At this stage, the learned counsel appearing on behalf of the petitioners submits that even the injury report of the injured of the side of the informant is dated 06.04.2025 i.e. the date of occurrence, on which the learned counsel appearing on behalf of the petitioners submits that the injury appears to be manipulated or else the doctors would have informed the police that on account of assault injured persons have been admitted.



6. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then, are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that Shatrughan from the side of the petitioners died during course of treatment on account of assault for which Mashrakh P. S. Case No. 144 of 2025 was instituted.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum 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 Mashrakh P. S. Case No.371 of 2025 arising out of Complaint Case No.1066 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

8. The application stands allowed.

(Satyavrat Verma, J)

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