

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23646 of 2026

Arising Out of PS. Case No.-3 Year-2026 Thana- Raghunathpur District- East Champaran

1. Shri Bhagwan Prasad @ Bhagwan Gupta S/o Late Jagdish Prasad Resident of Village- Sapahi, Ps- Raghunathpur, District- East Champaran Bihar
2. Rahul Kumar @ Rahul Prasad S/o Bindeshwari Prasad Resident of Village- Sapahi, Ps- Raghunathpur, District- East Champaran Bihar
3. Sanjay Rai @ Sanjay Kumar Yadav S/o Chhathu Rai R/o vill - Chailaha, P.s.- Banjariya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Tiwari
For the Opposite Party/s :	Mr. Satyendra Prasad
	Mr. Prince Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 07-05-2026 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Raghunathpur P.S. Case No.03 of 2026, registered for the offence punishable under Sections 126(2), 115(2), 118(1), 109(1), 303(2), 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the FIR, the allegation against the petitioners is that they, along with other co-accused persons, formed an unlawful assembly armed with lathi, danda, iron rod and sharp cutting weapons, assaulted the informant and his



brother with lathi causing injuries, and further snatched a gold chain worth Rs.2,00,000/- and cash of Rs.1,20,000/- from the informant's shop.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. It is submitted that, with respect to the same incident, a case and counter-case have been instituted between the parties and both sides have sustained injuries. It is further submitted that the injuries attributed to petitioner no1 are simple in nature, whereas petitioner no. 2 is alleged to have assaulted Deepak Kumar Prasad, who sustained a grievous injury resulting in fracture of his leg; however, the injury is not on a vital part of the body. So far as the petitioner no.3 is concerned, the allegation against him is of snatching golden chain from the informant. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. On the other hand, the learned APP for the State as well as learned counsel for the informant has opposed the prayer for bail of the petitioners. It is submitted by the learned counsel for the informant that there is specific allegation against the petitioner no.2 to assault Deepak Kumar due to which he sustained grievous injury but has not controverted the



fact that the said injury is not on vital part of the body.

6. Taking into account that there is case and counter case between the parties and the grievous injury is not on vital part of the body, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, East Champaran, Motihari/Successor Court in connection with Raghunathpur P.S. Case No.03 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative/ known of the petitioner(s) who shall provide official document/ personal affidavit 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/her/their 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 bonds;

(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 their bail bonds.

(Ajit Kumar, J)

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