

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23079 of 2026

Arising Out of PS. Case No.-688 Year-2025 Thana- GAURICHAK District- Patna

1. Mithlesh Rai S/o Gorakh Rai R/o Village- Kamarji, PS- Gaurichak, Distt- Patna
2. Kusum Devi @ Kusum Kumari D/o Mithlesh Rai R/o Village- Kamarji, PS- Gaurichak, Distt- Patna
3. Mushu Rai @ Nitish Kumar S/o Late Fanfan Rai R/o vill - Rasalpur, P.S.- Fatuha, Distt.- Patna
4. Ramji Rai @ Prince Kumar S/o Late Fanfan Rai R/o vill - Rasalpur, P.S.- Fatuha, Distt.- Patna
5. Sarvan Kumar @ Shrawan Kumar S/o Nanhak Yadav R/o vill - Rasalpur, P.S.- Fatuha, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-05-2026 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Gaurichak P.S. Case No. 688 of 2025 for the offence registered under sections 126(2), 115(2), 109, 3(5) of the BNS and Section 27 of the Arms Act.

3. As per the prosecution story, the informant alleged that for the partition of the land, they reached the place where it is alleged that all the accused persons assaulted her husband. As she came to rescue, Musu Rai opened opened fire. This followed the



movement to hospital and the FIR.

4. Learned Counsel for the petitioners submit that exaggerated FIR is there, they have no role to play, in any case, nature of allegation is omnibus.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the case diary shows the injuries inflicted to the husband has been found to be grievous in nature.

6. Taking into account the submissions of the parties and the role that has been assigned to the accused persons, save and accept, the petitioner no. 2, Kusum Devi, the anticipatory bail application of all other accused persons namely Mithilesh Rai, Mushu Rai, Ramji Rai and Sarvan Kumar stand rejected.

7. So far as the petitioner no. 2, Kusum Devi is concerned, though the allegation that has been made against is not different, considering the fact that she do not have criminal antecedent and is a lady, in that background, this Court is inclined to grant her the anticipatory bail with conditions.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Patna City,



Patna in connection with Gaurichak P.S. Case No. 688 of 2025
subject to condition as laid down under Section 438(2) of the
Cr.P.C.

(i) one of the bailor should be the family
members/relatives of the petitioner, who shall provide official
document (Aadhar Card, PAN Card, Driving License, Voter ID) to
show her *bona fide*;

(ii) the petitioner 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 bail
bond by the Trial court itself;

(iii) the petitioner 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 shall desist from committing any
criminal offence again failing which the State shall be at liberty to
take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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