

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23069 of 2026

Arising Out of PS. Case No.-363 Year-2025 Thana- BHAGWANPUR District- Vaishali

1. Rakesh Kumar @ Rakesh Kumar Singh Son of Late Lakshman Singh R/O Vill.- Bafapur Banthu, Vafapur Banthu, P.S. Bhagwanpur, District- Vaishali
2. Rajesh Kumar @ Rajesh Kumar Singh Son of Late Lakshman Singh R/O Vill.- Bafapur Banthu, Vafapur Banthu, P.S. Bhagwanpur, District- Vaishali
3. Mantun Kumar @ Muntun Kumar Son of Late Lakshman Singh R/O Vill.- Bafapur Banthu, Vafapur Banthu, P.S. Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-05-2026 Heard the parties through virtual mode.

2. The petitioners are apprehending their arrest in connection with Bhagwanpur P.S. Case No. 363 of 2025 for the offence under sections 191(2), 191(3), 190, 115(2), 118, 109, 352, 74 and 303(2) of the BNS lodged on 05.12.2025.

3. As per the prosecution story, the informant alleged that due to the land dispute, the accused persons resorted to assault, the allegation against petitioner no. 1, Rakesh Kumar is of giving *farsa* blow on the head which ultimately hit the eyes which got damaged. Further, Rajesh Kumar gave an iron rod blow again on the head and when the wife came to rescue,



Rakesh Kumar threw her on the ground causing injury on the head. The further allegation against the accused persons is of assaulting Randhir Kumar. The ornaments and the cash amount were also taken by them this followed the hospital and the FIR.

4. Learned counsel for the petitioners submit that there is a land dispute and the exaggerated FIR has been filed, none of the petitioners have criminal antecedent.

5. Learned APP as also the learned counsel for the informant submits that so far as the injury inflicted by Rakesh Kumar and Rajesh Kumar (petitioner nos. 1 and 2) are concerned, a perusal of the learned Sessions Judge order would show that it has been found to be grievous in nature.

6. Learned counsel for the petitioner submits that so far as the injury inflicted by Mantun Kumar is concerned, it has been found to be simple in nature.

7. Taking into account the submissions of the parties, so far as the anticipatory bail application of petitioner nos. 1 and 2 namely, Rakesh Kumar and Rajesh Kumar respectively are concerned, the same stands rejected.

8. If, however, the petitioner nos. 1 and 2 namely, Rakesh Kumar and Rajesh Kumar surrenders within four weeks, the concerned Court shall take up the matter and dispose it of



preferably on the same day.

9. So far as the petitioner no. 3, Mantun Kumar is concerned, considering the injury inflicted to Randhir Kumar has been found to be simple in nature and he do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

10. Let the petitioner no. 3, Mantun Kumar be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 363 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner no. 3, Mantun Kumar who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner no. 3, Mantun Kumar 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 the bail bond by the Trial Court itself;

(iii) the petitioner no. 3, Mantun Kumar shall appear



before the concerned police station every month for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner no. 3, Mantun Kumar 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;

(v) the petitioner no. 3, Mantun Kumar 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)

Adnan/-

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