

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26525 of 2026

Arising Out of PS. Case No.-16 Year-2025 Thana- GHANSHYAMPUR District- Darbhanga

1. Rekha Kumari D/O Lal Bihari Yadav R/O Village- Mansara, P.S- Ghanshyampur, Distt.- Darbhanga.
2. Daulat Kumari @ Dauli Kumari @ Anika Kumari D/O Lal Bihari Yadav R/O Village- Mansara, P.S- Ghanshyampur, Distt.- Darbhanga.
3. Kumod Kumar @ Kumod Kumar Yadav S/O Lal Bihari Yadav R/O Village- Mansara, P.S- Ghanshyampur, Distt.- Darbhanga.
4. Budhiyar Devi @ Budhiyar W/O Lal Bihari Yadav R/O Village- Mansara, P.S- Ghanshyampur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Narayan Jha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

4 16-07-2026 Heard the learned counsel for the petitioners and the
APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Ghanshyampur P.S. Case No. 16 of 2025, registered under Sections 115(2), 126(2), 303(2), 109, 352, 351(2) and 3(5) of B.N.S.

3. As per the prosecution story which has been lodged on the basis of written report submitted by the informant to the effect that on the date of occurrence the petitioner no. 2 was returning home along with her 8-9 buffaloes and in the meantime her buffaloes ate brinjal plants of the informant. When the same



was objected by the informant, she started using filthy language and went away. After sometime the petitioner no. 2 came along with all the accused persons, named in the F.I.R. All the accused persons assaulted the son of the informant namely, Ashish Kumar with sticks. When the informant, his wife and his daughter came to save Ashish Kumar, all the accused persons assaulted them also. It has further been alleged that the petitioner no. 3 assaulted the son of the informant, namely Ashish Kumar with a stick on his head, due to which he sustained injuries and become unconscious. After seeing the village people, all the accused persons fled away from there and then the injured Ashish Kumar was taken to Government Hospital at Ghanshyampur. It has further been alleged that from there, keeping in view the serious conditions of the injured, he was referred to D.M.C.H., Darbhanga. It is further alleged that on the next day, the injured was referred to Patna Medical College & Hospital for better treatment, however instead of taking him to Patna Medical College & Hospital, the informant took his son to Sri Ganga Ram Trauma Hospital where he was admitted in I.C.U.

4. The learned counsel for the petitioners submits that petitioner are innocent and have not committed any offence. He further submits that prior to the present occurrence Ghanshyampur P.S. Case No. 381 of 2024 was lodged by the



petitioner no. 4 herein, for an offence committed by the informant and his family members on 21.12.2024 and the present case has been filed in retaliation of the Ghanshyampur P.S. Case No. 381 of 2024. He further submits that the doctor who had examined the injured Ghurni Devi found no external injuries on the body of the injured and so far injured Ashish Kumar is concerned, the doctor kept his opinion reserved with regard to the injuries sustained by Ashish Kumar. He further submits that the petitioners have got a clean antecedent.

5. *Per contra*, the learned APP for the State opposes the prayer for bail of the petitioners and submits that there is direct allegation of assault on the head of the son of the informant, against the petitioner no. 3 and the opinion of the doctor was kept reserved with regard to the injuries sustained by the injured.

6. Having Considered the rival submissions and after going through the records it appears that only general and omnibus allegation of assault have been leveled against all the petitioners, except petitioners no. 3, against whom specific allegation of assault with a stick on the head of the son of the informant has been leveled. From perusal of the case diary and the injury report annexed with the same, it would transpire that the injured Ghurni Devi was treated at C.H.C., Ghanshyampur,



however the doctor found no external injury on her body part. So far the injury report of Ashish Kumar is concerned, since he was referred to D.M.C.H. for further treatment, the doctor at C.H.C., Ghanshyampur kept his opinion reserved with regard to the injuries sustained by Ashish Kumar. From perusal of paragraph no. 84 of the case diary, it would transpire that the informant did not provide the injury report of his son Ashish Kumar to the Investigating Officer of the case, despite his repeated requests and the I.O has recorded that instead of taking his son to P.M.C.H., the informant took his son to Sri Ganga Ram Trauma Hospital Private Limited at Patna and where the fardbeyan was recorded, however since the informant is not providing the injury report and it is not possible for the Investigating Officer to obtain injury report from Sri Ganga Ram Hospital Pvt. Ltd at Patna, due to its closure, no injury report has been annexed with the case diary. It appears that since no injury report has been provided by the informant and the hospital is closed, therefore no injury report is available or is likely to be made available and in absence thereof the petitioners cannot be denied anticipatory bail on account of the opinion of the doctor being kept reserved with respect to the injuries. Considering the above, let the petitioners, in the event of their arrest or surrender before the learned Court below within a period of six weeks, be released on anticipatory



bail in connection with Ghanshymapur P.S. Case no. 16/2025, on each of them 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, Biraul, Darbhanga, subject to the condition laid down under Section Section 482(2) of the B.N.S.S, 2023, and subject to the following conditions:-

(I) That the learned court concerned shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court concerned shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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