

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31798 of 2026

Arising Out of PS. Case No.-381 Year-2025 Thana- MADHUBAN District- East Champaran

1. Ramesh Patel @ Ramesh Kumar S/o Rajdeo Patel @ Rajdev Patel @ Rajdeo Patel R/o vill - Bhelwa, P.s.- Madhuban, Dist.- East Champaran
2. Sobhan Paswan @ Sobhan Kumar S/o Sukha Paswan R/o vill - Bhelwa, P.s.- Madhuban, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Anil Kumar, Advocate
For the State : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 17-06-2026 Heard the learned counsel for the petitioners and the learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Madhuban P.S. Case No. 381 of 2025 for allegedly having committed offences under Sections 191(2), 126(2), 115(2), 109, 118(1), 303(2), 352, 351(2) and 351(3) of B.N.S., 2023.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that on the date of occurrence, he was called by his villager, Anil Sahani at Durga Mandir. When the informant reached there, all the accused persons, named in the First Information Report, including the petitioners surrounded him



and started abusing him. Upon the protest made by the informant, the petitioner no.2 wrapped a *Gamchha* around his neck and tried to kill him. The petitioner no.1 assaulted the informant with a dagger/knife indiscriminately, which resulted in severe injuries on his body.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. He submits that as per the First Information Report, the allegation against the petitioner no.2 is of wrapping a *Gamchha* around the neck of the informant, due to which he fell down. He further submits that the occurrence is of 08.10.2025, but the present First Information Report has been lodged on 16.10.2025 and there is no explanation for the delay in lodging the First Information Report. He further submits that the informant sustained injuries on 08.10.2025, however neither the informant nor his family members informed the police and the First Information Report has been lodged after eight days.

5. Per Contra, the learned APP appearing on behalf of the state opposes the prayer for anticipatory bail of the petitioners and submits that petitioner no.1 gave repeated blow of knife/dagger upon the informant.

6. Having considered the rival submissions and after



going through the records as well as the case diary, which is on record, it appears that specific allegation of giving knife/dagger blow is upon petitioner no.1. From the injury report, which is in the case diary, it would transpire that although the injuries have been found to be simple in nature by the treating doctor, however multiple stab wounds were found on the chest of the informant. The doctor has found the injuries to be caused by sharp cutting object. From the materials available in the case diary as well as in the injury report, it will transpire that petitioner no.1 gave repeated blow on the chest of the informant and, therefore this court is not inclined to grant the privilege of anticipatory bail to petitioner no.1.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioner no.1 is hereby rejected.

8. So far the petitioner no.2 is concerned, there is no specific allegation against the petitioner no.2 and the injuries do not corroborate the allegation of assault made against the petitioner no.2, therefore let the petitioner no.2, above-named, in the event of his arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief



Judicial Magistrate, Motihari, District East Champaran in connection with Madhuban P.S. Case No.381 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioner no.2 and in case at any stage it is found that the petitioner no.2 has concealed his criminal antecedent, the court concerned shall take steps for cancellation of his bail bond. However, the acceptance of bail bond 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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