

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31487 of 2026

Arising Out of PS. Case No.-394 Year-2017 Thana- BANKA District- Banka

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1. Gopal Prasad Singh @ Gopal Chandra Singh S/o Late Govind Singh R/o Village - Gurudwar, P.S - Barahat, District - Banka
 2. Ajay Kumar Singh S/o Late Pratap Narayan Singh R/o Village - Gurudwar, P.S - Barahat, District - Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-05-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Banka (Barahat) P.S. Case No. 394 of 2017 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 325, 379 and 506 of the Indian Penal Code.

3. As per FIR, 50 persons including petitioners assaulted the informant and his brother causing head and bodily injury and also snatched cash of Rs. 10,000/- and golden chain from his possession.

4. Learned counsel appearing on behalf of the petitioners submitted that in view of injury where the doctor found only



two lacerated wounds on the person of the injured, the allegation as to assault by 50 persons appears not convincing. It is pointed out that after investigation police submitted final form/closure report against the petitioners, but learned jurisdictional Magistrate took cognizance against the petitioners after taking a different view, without assigning any reason.

5. It is submitted that the injuries as alleged to be caused upon the informant and his brother, upon medical examination, found simple in nature, which negate intention to cause death. While concluding argument, it is submitted that similarly situated co-accused were granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 50530 of 2017 dated 03.11.2017.

6. It is categorically submitted that the matter is of the year 2017 i.e. almost about 10 years old and in view of same a statement at bar was made by Mr. Ajay Mukherjee, learned counsel appearing for the petitioners that no proceeding under section 82 Cr.P.C. has been initiated against the petitioners till date.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. In view of the aforesaid factual submissions and by taking note of the fact as allegation qua physical assault is



appearing very much general and omnibus in nature, where the injuries, upon medical examination, was found simple in nature, coupled with the fact that police after investigation submitted closure report against the petitioners, accordingly, both above-named petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka /concerned court in connection with Banka (Barahat) P.S. Case No. 394 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

9. Learned trial court is directed to verify whether any proceeding under section 82 Cr.P.C. against the petitioners has been initiated or not, and, if it is found that any such proceeding was initiated prior to passing of this order contrary to the statement as made by learned counsel appearing for the petitioners at bar, as mentioned aforesaid, the bail bond shall not be accepted.

(Chandra Shekhar Jha, J)

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