

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30847 of 2026

Arising Out of PS. Case No.-28 Year-2026 Thana- KALYANPUR District- Samastipur

Sudhir Rai S/o Sahdev Rai R/o Village- Simaria Bhindi, Tola Sedhi, P.S.-
Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 06-05-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No.28 of 2026, F.I.R dated 26.01.2026 registered for the offences punishable under Sections 126(2), 115(2), 303(2), 110, 352, 127(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 24.01.2026 at about 7:00 A.M., when the father-in-law of the informant was sitting at the door of the house, all the accused persons including the petitioner arrived there and started abusing him. When the informant's husband objected, the accused persons stated that he was not allowing compromise in Kalyanpur P.S. Case No. 37/2019. Thereupon, the informant's husband, Navin Kumar,



stated that compromise could not be forced through assault with lathi. It is alleged that the petitioner, with intention to kill, repeatedly assaulted Navin Kumar with a dry bamboo lathi, causing injury to his right hand. It is further alleged that Navinita Kumari assaulted him on his right eye with a dry bamboo, resulting in fracture of the eyebrow. When the informant intervened to rescue her husband, co-accused Renu Devi and Sweta Kumari caught hold of her hair, pushed her to the ground and assaulted her with bricks. Further allegation against co-accused Sweta Kumari is that she snatched the informant's golden jhumka worth Rs.4 lakhs, while co-accused Renu Devi took away silver payal worth Rs.15,000/-.

4. Learned counsel for the petitioner submits that both the parties are full brothers and there are several cases and counter cases between them on the issues of long standing land dispute, and though, there is allegation of assaulting the informant on his head, the injuries have been found to be simple in nature and the petitioner is ready to cooperate with the investigation as and when required. It is next submitted that petitioner has three criminal antecedent but is on bail in all the said cases.

5. Learned APP for the State opposes the prayer for



anticipatory bail application.

6. Considering the aforesaid facts and circumstances that the petitioner is innocent, there are several cases and counter cases between them on the issues of long standing land dispute and the injuries sustained by the informant is simple in nature. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Samastipur, in connection with Kalyanpur P.S. Case No.28 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;

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

(v) the petitioner(s) shall maintain peace and harmony with the informant and in case of there being any allegation of committing the similar offence and, on finding substance in such allegation, the Police or the informant will be at liberty to take recourse for cancellation of the bail bonds of the petitioner.

(Ajit Kumar, J)

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