

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33339 of 2026

Arising Out of PS. Case No.-51 Year-2026 Thana- MUFFASIL District- West Champaran

1. Prabhu Prasad @ Prabhu Prasad Kushwaha, S/o Late Ramlakhan Prasad @ Ramlakhan Prasad Kushwaha R/o vill - Mahnagni, Ward no. 10, P.S.- Bettiah (Mufasil), Distt.- West Champaran
2. Fulmati Devi W/o Late Ramlakhan Prasad @ Ramlakhan Prasad Kushwaha R/o vill - Mahnagni, Ward No. 10, P.S.- Bettiah (Mufasil), Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-05-2026 Heard the parties.

2. The petitioners apprehend their arrest in connection with Bettiah Muffasil P. S. Case No. 51 of 2026 registered for the offences punishable under Sections 115(2), 126(2). 109(1), 303(2), 351(2), 352 and 3(5) of the BNS.

3. Learned counsel for the petitioner submits that both the parties are agnates and in fact on the day of alleged occurrence from petitioners' side, a construction work relating to a stair-case carried out due to which an altercation took place in between both the parties, in which both sides sustained injuries and the petitioner no. 1 himself was one of the injured and he remained under treatment between 14.01.2026 to 17.01.2026



and in this regard his discharge receipt has been filed with this petition. Learned counsel further submits that as per the allegation, the petitioner no.1 inflicted a *farsa* blow on the head of the informant, Rupesh Kumar but no corresponding injury to the head of the informant corroborating the allegation of use of *farsa* was found and the injuries found on his person were opined to have been caused by hard and blunt object and were found to be simple in nature. It is further submitted that against the petitioner no. 2 who is 76 year old lady, there is no serious allegation and she simply caught hold of the informant during the course of occurrence as alleged. It is lastly submitted that one co-accused namely, Sobha Devi carrying serious allegation as to causing fracture injury to the informant's mother has been granted anticipatory bail by the coordinate Bench of this court vide order dated 13.05.2026 passed in Cr. Misc. No. 33024 of 2026. It is further submitted that the alleged occurrence was not pre-planned and there is case and counter case in between both the parties.

4. Learned APP for the State opposes the bail prayer of the petitioners and submits that against the petitioner no.1 there is serious allegation and he used sharp weapon to cause injury on the vital part of the informant.



5. In the facts and circumstances of this case and considering the statements made in the petition as well as above submissions and the nature of the injury sustained by the informant, coupled with the nature of allegation appearing against the petitioner no.1 as well as the genesis of the occurrence as stated above, this court is inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Bettiah Muffasil P. S. Case No. 51 of 2026 on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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