

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49180 of 2026

Arising Out of PS. Case No.-295 Year-2025 Thana- KHIJARSARAI District- Gaya

1. Dhananjay Das S/o Raj Kumar Das R/o Village - Mandai, P.O - Sapneri, P.S - Khizar Sarai, District - Gaya
2. Anjay Das @ Ajay @ Ajay Das S/o Raj Kumar Das R/o Village - Mandai, P.O - Sapneri, P.S - Khizar Sarai, District - Gaya
3. Sanjay Das S/o Raj Kumar Das R/o Village - Mandai, P.O - Sapneri, P.S - Khizar Sarai, District - Gaya
4. Akshay Das @ Akshay Kumar S/o Anjay Das @ Ananjay Das R/o Village - Mandai, P.O - Sapneri, P.S - Khizar Sarai, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-07-2026 Learned counsel for the petitioner at the outset submits that petitioner no.03, Sanjay Das has been arrested and as such he may be permitted to withdraw the petition.

2. Accordingly, the petition against Sanjay Das stands dismissed as withdrawn.

3. Heard Mr.Sanjay Kumar Sharma, learned counsel for the petitioners and the State.

2. The petitioners are apprehending arrest in connection with Khizersarai P.S. Case No. 295 of 2025 instituted under Sections 191(2), 191(3), 190, 126(2), 115(2),



117(2), 109(1), 352 of the Bhartiya Nayay Sanhita, 2023 lodged on 02.08.2025 by the informant, Shivbachan Das.

3. As per the prosecution story, the informant alleged that on the petty issue she goat entered the field of informant and when it was objected, the accused armed variously came and assaulted causing injuries to the family members. This led to the FIR.

4. Learned counsel for the petitioners submit that there is case and counter case, both sides suffered and no specific injury can be attributed to any of them.

5. Learned APP, Mr. Bharat Bhushan on the other hand opposes the prayer submitting that a perusal of the para-03 would show that the petitioner nos. 01 and 02 have criminal history, mostly of the same nature. Further, on a minor issue assault took place which followed the injured to be taken to Magadh Medical College and Hospital, Gaya.

6. Taking into account the submissions aforesaid, so far as petitioner no. 01 namely Dhananjay Das and petitioner 02, Anjay Das are concerned respectively, no relief can be extended to them. Their anticipatory bail application stand rejected. So far as the petitioner no.04, Akshay Das @ Akshay Kumar is concerned, he is only 19 years of age, is a student



having no criminal history and has been dragged in the present case, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner no.04, Akshay Das @ Akshay Kumar be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Khizersarai P.S. Case No. 295 of 2025 to the satisfaction of learned Judicial Magistrate-1st Class, Gayaji subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner no.04, Akshay Das @ Akshay Kumar who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the petitioner no.04, Akshay Das @ Akshay Kumar shall be appearing before the police station as and when required for cooperating in the investigation;

(iii) the petitioner no.04, Akshay Das @ Akshay Kumar 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 bail bond by the Trial Court itself;

(iv) the petitioner no.04, Akshay Das @ Akshay Kumar 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;

(v) the petitioner no.04, Akshay Das @ Akshay Kumar 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.

(Rajiv Roy, J)

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