

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33408 of 2026**

Arising Out of PS. Case No.-308 Year-2017 Thana- KUCHAIKOTE District- Gopalganj

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1. Bablu Ram @ Bablu Kumar Ram, S/o Mohan Ram;
2. Mohan Ram, S/o Late Mangal Ram; and
3. Anu Ram @ Anu Kumar, S/o Nandlal Ram;

All are residents of Village- Mahuawan, Sasamusa, P.S.- Kuchaikote,  
District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prasoon Shekhar, Adv.  
Mr. Rajesh Kumar, Adv.  
For the Opposite Party/s : Mr. Zainul Abedin, APP

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**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**

ORAL ORDER

2      18-05-2026                      Heard the learned counsel for the petitioners and the  
learned A.P.P. for the State through *virtual mode*.

2. The petitioners are apprehending their arrest in  
connection with Kuchaikote P.S. Case No. 308 of 2017  
registered for the offence(s) under Section(s) 341, 323, 325,  
308, 448, 379, 435, 504 and 506 of the Indian Penal Code.

3. The prosecution case is to the effect that the



informant has alleged that the named accused persons including the petitioners, all armed with rods and sticks, started assaulting the informant. It has been alleged that when the son of the informant came to save him, the petitioner No. 1, armed with an iron rod, gave a blow on his head, as a result of which he sustained injuries. It has further been alleged that petitioner No. 3 assaulted the daughter of the informant, namely, Kavita Kumari, with a stick, while petitioner No. 2 assaulted Suman Devi with a *garasa* on her head, causing a cut injury. There is also an allegation that a sum of Rs. 40,000/- was taken away after breaking the lock of a box.

4. The learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to personal dispute between their family and the family of the informant. It has been submitted that the injuries sustained by the informant, his son and daughters were all found to be simple in nature. It has further been pointed out that during the course of investigation, the petitioners were summoned and were granted the benefit under Section 41(1) of the Cr.P.C. on 15.12.2017 as they had been cooperating with the investigation. It has been submitted that subsequent thereto, though the *charge-sheet* was submitted on 17.12.2017, but no coercive



action was initiated against them thereafter. It has further been submitted that recently the petitioners came to know that pursuant to cognizance having been taken against them, summons have been issued, though the same were never served upon them.

5. It has, thus, been submitted on behalf of the petitioners that there has been no willful delay in approaching this Court and, in fact, since the petitioners had been granted protection under Section 41(1) of the Cr.P.C., they had no apprehension of arrest earlier and only after learning about the cognizance order that they may be apprehended, the petitioners have approached this Court for grant of anticipatory bail. It has next been submitted that the petitioners have falsely been implicated in this case with allegation of assault along with others. It has also been submitted that there was a case lodged on behalf of the wife of petitioner No. 3 against the informant and others and it is on account of the long standing dispute between the parties that the petitioners have falsely been implicated in this case. It has lastly been submitted that the petitioners have clean antecedents.

6. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the



petitioners and has submitted that there are specific allegations of assault upon the petitioners. It has further been submitted that since the petitioners had already been granted the benefit under Section 41(1) Cr.P.C. and no warrant had been issued against them, they do not have any reasonable apprehension of arrest.

7. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties as also the law laid down in the cases of *Shri Gurbaksh Singh Sibbia & Ors. Vs. The State of Punjab*, reported in (1980) 2 SCC 565 and *Bharat Chaudhary & Anr. Vs. State of Bihar & Anr.*, reported in (2003) 8 SCC 77, let the petitioners, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on their furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Kuchaikote P.S. Case No. 308 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik



Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioners shall be their close relative and the other shall be a local resident.

(ii) The petitioners shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedents of the petitioners and in case, at any stage, it is found that they have concealed their criminal antecedents, the Court concerned shall take necessary steps for cancellation of their bail bonds. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

9. The application stands allowed.

**(Sourendra Pandey, J)**

Praveen-II/-

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