

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33543 of 2026

Arising Out of PS. Case No.-42 Year-2026 Thana- MAHISHI District- Saharsa

1. Tapeswar Kumar Deepak S/o Sikendra Kumar R/o Vill. - Bhagwatpur, P.S. - Mahishi, Dist. - Saharsa.
2. Rekha Devi @ Kumari Rekha Deepak W/o Vijay Paswan R/o Vill. - Bhagwatpur, P.S. - Mahishi, Dist. - Saharsa.
3. Sita Devi W/o Harish Chandra Paswan @ Hari Chandra Paswan R/o Vill. - Bhagwatpur, P.S. - Mahishi, Dist. - Saharsa.
4. Renu Devi @ Renu Kumari W/o Tapeswar Kumar Deepak R/o Vill. - Bhagwatpur, P.S. - Mahishi, Dist. - Saharsa.
5. Munni Devi @ Kumari Manisha Deepak W/o Mithilesh Kumar Bharati R/o Vill. - Bhagwatpur, P.S. - Mahishi, Dist. - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Anand, Advocate
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 19-05-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State through Virtual Mode.

2. The petitioners apprehend their arrest in connection with Mahishi P.S. Case No. 42/2026 dated 12.02.2026 registered for the offences punishable under Sections 191(2), 190, 329(3), 329(4), 126(2), 115(2), 75, 324(2), 303(2), 352, 351(3) of the B.N.S.

3. The prosecution case is to the effect that the informant namely, Kundan Devi, alleged that all the named



accused persons including the petitioners came to her house armed with deadly weapons and surrounded the courtyard of her house and asked for the whereabouts of her son namely, Sachin Kumar and they were alleging that he had eloped along with the niece of petitioner no. 1. It has been alleged that all the accused persons started assaulting the informant and the petitioners were also involved in committing loot in her house and damaged the motorcycle and tempo standing there. It has further been alleged that the accused persons also took away Rs. 10,000/- from the box kept in her house.

4. The learned counsel for the petitioner submits that the petitioners have falsely been implicated in the present case in retaliation to the F.I.R. lodged a day prior to the present F.I.R. i.e. on 11.02.2026, wherein the sister of the petitioner no. 1 had lodged an F.I.R. against the son and husband of the informant in which the son of the informant is alleged to have fled away with the daughter of the informant of the said case. It has been submitted that the allegations leveled are general and omnibus in nature, and from perusal of the same, it would appear that no specific allegation has been leveled against any of the petitioners. It has further been submitted that there were other cases also filed between the parties on account of such incident and in fact, it has



been submitted that recently, it has come to the knowledge that the niece of the petitioner no. 1 and the son of the informant have also solemnized marriage and they are living happily together. It has lastly been submitted that the petitioners have clean antecedents.

5. The learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, the petitioners, above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bonds of Rs. 10,000/-(Rupees Ten Thousand)each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Mahishi P.S. Case No. 42/2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(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 on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedents of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedents, the trial court shall take necessary steps for cancellation of bail bonds of the petitioners. 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.

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

8. The application stands allowed.

(Sourendra Pandey, J)

Gautam/Anjali

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