

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35391 of 2026

Arising Out of PS. Case No.-496 Year-2025 Thana- KAUWAKOL District- Nawada

1. Raja Kumar S/o Dilip Sao Resident of Village- Ram Kishan Dangal, P.S.- Asansol North, District- Asansol, W.B.
2. Dilip Sao S/o Late Bihari Sao Resident of Village- Ram Kishan Dangal, P.S.- Asansol North, District- Asansol, W.B.
3. Fantush Kumar @ Prem Sao S/o Dilip Sao Resident of Village- Ram Kishan Dangal, P.S.- Asansol North, District- Asansol, W.B.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 21-07-2026 Heard the learned counsel for the petitioners and the learned APP appearing on behalf of the State.

2. The petitioners apprehends their arrest in connection with kauwakol P.S. Case no. 496 of 2025, registered under Sections 126(2), 115(2), 109, 303(2), 352, 3(5) of the B.N.S.

3. As per the prosecution story, which has been lodged on the basis of written report submitted by the informant to the effect that on the date of occurrence he was going from his maternal grand mother's house at Darawan to his house at Kauwakol along with his maternal aunt on his motorcycle.



When he reached near the Bhorambag Math then the named-accused persons, including the petitioners herein stopped his motorcycle and started putting pressure upon the maternal aunt of the petitioner to execute sale deed of the land in Asansol in their name. When the informant told them that whenever his maternal aunt will sale the land, the same will be sold in favour of the accused persons. However, co-accused Pintu Sao told informant and his maternal aunt should accompany them to Aliganj to execute the agreement. The petitioners started pulling the maternal aunt of the informant along with them by force and when the informant tried to stop them, the petitioner no. 1 with an intention to kill him, assaulted with an iron road on his head, due to which he sustained injuries on his head. Further allegation is that the petitioner no. 2 snatched money from him and also threatened him.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. He submits that the true fact of the case is that the maternal aunt of the informant has already taken money from the accused persons and had assured them to execute the sale deed, however despite taking money from the accused persons, the maternal aunt of the informant does not want to execute the



sale deed. He further submits that so far as the petitioner no. 1 is concerned, he is a student and was not present at the place of occurrence on the said date of occurrence. He submits that the mother of the petitioner no. 1 gave an application before the Sub-Divisional Police Officer, Pakribarawan, Nawada, by giving details with regard to the examination of the petitioner no. 1 on the said date and submitted before the Sub-Divisional Police Officer that the petitioner no. 1 was to appear for Railway Competitive Examination on 09.12.2025 at Bhubneshwar. He further submits that the petitioners are doing business and have been falsely implicated in the present case. Although the occurrence is said to have been taken place in Asansol, but with an intention to implicate the petitioners and other co-accused persons, the FIR has been lodged at Kauwakol Police Station. He further submits that the petitioners have got a clean antecedents.

5. *Per contra*, the learned APP for the State opposes the prayer for bail of the petitioners and submits that the learned District and Additional Sessions Judge-II at Nawada while rejecting the anticipatory bail of the petitioners, recorded in the order dated 09.04.2026 that the informant has sustained injuries on his head and the same has been found to be grievous in



nature by the doctor concerned.

6. Considering the rival submissions and after going through the record, it appears that the specific allegations of assault on the head of the informant is against the petitioner no. 1, Raja Kumar and injuries corroborate the allegations leveled in the FIR, since the learned District and Additional Sessions Judge-II at Nawada, while rejecting the prayer for anticipatory bail of the petitioner vide his order dated 09.04.2026 has recorded that severe head injuries caused by hard and blunt weapon have been found by the doctor. According to the CT Scan Brain 3D report, wound no. 5 has been found to be lacerated wound on the Right Ear Lobe measuring 1" x 1/2 x Cartilage deep and the same has been found to be grievous in nature.

7. Considering the nature of the injury and the fact that the same is on the vital part of the body, the prayer for anticipatory bail of the petitioner no. 1, Raja Kumar is rejected. So far the allegations leveled against the petitioners no. 2 and 3 are concerned, no specific allegation of any assault has been leveled against them, only general and omnibus allegations have been leveled against them. Considering the above, let the petitioners no. 2 and 3, in the event of their arrest or surrender



before the learned Court below within a period of six weeks, be released on anticipatory bail in connection with Kauwakol P.S. Case no. 496 of 2025, on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Nawada, subject to the condition laid down under Section 482(2) of the B.N.S.S, 2023, and subject to the following condition:-

(I) That the learned court concerned shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court concerned shall take step for cancellation of bail bond 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.

(Ritesh Kumar, J)

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