

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36340 of 2026

Arising Out of PS. Case No.-119 Year-2026 Thana- BAIRIYA District- West Champaran

1. Kapildev Ram S/o Late Jai Ram @ Late Doma Ram R/o Village - Fuliya Khand ward no. 07, P.S. - Bairiya, Dist. - West Champaran.
2. Rajesh Ram S/o Kapildev Ram R/o Village - Fuliya Khand ward no. 07, P.S. - Bairiya, Dist. - West Champaran.
3. Punita Devi W/o Rajesh Ram R/o Village - Fuliya Khand ward no. 07, P.S. - Bairiya, Dist. - West Champaran.
4. Munni Devi W/o Arjun Ram R/o Village - Fuliya Khand ward no. 07, P.S. - Bairiya, Dist. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-06-2026 Heard learned Counsel for the petitioners, learned Counsel for the informant and learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Bairiya P.S. Case No. 119 of 2026, lodged on 08.03.2026, under Sections 126(2)/115(2)/74/ 329(3) /324(4) / 352/109(1)/3(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the prosecution, the FIR has been lodged



against ten named accused persons including the present petitioners with allegation that the accused persons have tried to outrage the modesty of the informant's daughter. Upon oppose, they all started assaulting. They have also tried to break the door of the informant's house. Allegation against petitioner No.1 is that he has assaulted by iron rambha on the left eye of the wife of the informant, due to which she has lost her eyesight.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that both informant and the petitioners are resident of same village and they are distant gotiya. Counsel further submits that on the occasion of Holy, the scuffling took place from both the sides. He submits that for the said occurrence the FIR has been lodged by the informant bearing Bairiya P.S. Case No.119 of 2026 as well as by the petitioners bearing Bairiya P.S. Case No.120 of 2026. Counsel submits that the criminal antecedent of the petitioners is clean. Counsel submits that injury has been caused from both sides. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

5. Learned Counsel for the informant, on the other hand, vehemently opposes the prayer for bail and submits that



there are specific allegation of assault against the present petitioners and the manner in which the present occurrence has been caused. He submits that specific allegation against petitioner No.1 is that he assaulted with iron rambha on the eye of the informant's wife due to which she has lost her eyesight.

6. Learned Additional Public Prosecutor for the State opposes the prayer for bail and submits that from perusal of the FIR the specific allegation is against petitioner No.1.

7. Considering the nature of allegation against petitioner No.1, Kapildev Ram, this Court is not inclined to grant anticipatory bail to him. Hence, his prayer for anticipatory bail is hereby refused.

8. So far as petitioner No.2 Rajesh Ram, petitioner No.3 Punita Devi and petitioner No.4 Munni Devi are concerned, they are directed to be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Smt. Sweta Shukla, learned Judicial Magistrate, 1st Class, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 119 of 2026 subject to the conditions as laid down



U/s 482(2) of the BNSS, 2023.

9. And further condition that the Trial Court 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 Trial Court 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.

(Dr. Anshuman, J)

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