IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42739 of 2026

CNR No. BRHC010526272026

Arising Out of PS. Case No.-34 Year-2026 Thana- MALAHI District- East Champaran

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1. Golden Kumar Son of Prabhu Prasad Resident of Village - Barharwa, (Chatiya Barharwa), P.S. - Malahi, District - East Champaran
2. Rupa Devi Wife of Rakesh Prasad Resident of Village - Barharwa, (Chatiya Barharwa), P.S. - Malahi, District - East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate
	:	Mr. Sharad Kumar Verma, Advocate
	:	Mr. Sagar Kumar, Advocate
	:	Mr. Hemant Ray, Advocate
	:	Ms. Harsha Shashwat, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 27-10-2026 Heard Mr. Madhurendra Kumar, learned counsel for the petitioners and Mr. Sagar Kumar, learned counsel representing the informant beside Mr. Jitendra Kumar, learned APP representing the State.

2. The petitioners are apprehending their arrest in connection with Malahi P.S. Case No. 34 of 2026 registered for the offence under Sections 115(2), 126(2), 117(2), 109(1), 74, 351(2) and 352 of the B.N.S., lodged on 24.01.2026 by the informant, Rajendra Prasad.

3. As per the prosecution story, the informant alleged

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that the named accused alongwith unknown armed variously surrounded and later assaulted the family members as a result whereof the informant Rajendra Prasad sustained injuries on the head as also nose. When the lady of the house and the son came to rescue, they were also assaulted and petitioner no.2, Rupa Devi outraged her modesty. DIAL 112 was called, they were shifted to the Areraj Sub-Divisional Hospital, stitched which followed the F.I.R.

4. Learned counsel for the petitioners submit that they have no criminal antecedent, petitioner no.2 is a lady, land dispute is admittedly there. A scuffle took place which has been given different colour and the injuries have been found to be simple in nature. Last submission is that without accepting the allegation or outcome of the present petition, the petitioner no.1, Golden Kumar intends to pay Rs.5,000/- to the informant towards treatment by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of bail bond.

5. Learned APP as also learned counsel representing the informant opposes the prayer submitting that though there is land dispute, allegation of assault is also recorded on the head and nose of the informant.

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6. Considering the submissions of the parties as also that the injuries have been found to be simple in nature, one of the petitioner is a lady and they do not have criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.5,000/- to the informant by the petitioner no.1, Golden Kumar as undertaken by the learned counsel for the petitioners through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of the bail bond and the same shall be handed over to the informant after checking credentials.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, East Champaran at Motihari, in connection with Malahi P.S. Case No. 34 of 2026 subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

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(ii) the petitioners shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioners 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/her bail bond by the Trial Court itself;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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