

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39379 of 2026

Arising Out of PS. Case No.-26 Year-2026 Thana- R S P.S. District- Araria

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1. Shanichari Devi Wife of Amit bahardar Resident of Vllalge- Matiyari, Ward no. -01, P.S. - R.S., District- Araria.
 2. Amit Bahardar Son of Randhir Bahardar Resident of Vllalge- Matiyari, Ward no. -01, P.S. - R.S., District- Araria.
 3. Saroj Bahardar Son of Randhir Bahardar Resident of Vllalge- Matiyari, Ward no. -01, P.S. - R.S., District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 17-06-2026 Heard the learned counsel for the petitioners as well as the learned APP for the State.

2. The petitioners apprehends their arrest in connection with R.S. P.S. Case no. 26 of 2026, registered under Sections 190, 191 (2), 126 (2), 115 (2), 118 (1), 109, 351 (2), 333 BNS and later on added section 103 (1) BNS.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that all the accused persons, including the petitioners came to the house of the informant and started assaulting her father and her brother by using filthy language, due to land dispute. Co-accused Rakesh Kumar Bahardar by using filthy language told other co-accused to kill the father of the informant, upon which co-accused Santosh Kumar Bahardar



assaulted the father of the informant with an iron rod on his head, due to which he became unconscious and fell down. Upon which co-accused Rakesh Kumar Bahardar assaulted the brother of the informant with a *Dabiya* on his head and mouth, due to which he also fell down having become unconscious. Thereafter, all the accused persons assaulted the father and brother of the informant with stick.

4. The learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have not committed any offence. He further submits that there is no specific allegation of assault against the petitioners, rather general and omnibus allegation of assault has been made against all the accused persons, including the petitioners. Further the specific allegation of assault with an iron rod, on the head of the father of the informant has been levelled against co-accused Santosh Kumar Bahardar and specific allegation of assault with a *Dabiya* on the brother of the informant has been levelled against co-accused Rakesh Kumar Bahardar. He further submits that initially the first informant report was lodged under different sections of the BNS, however, later on the father of the informant died during course of treatment and therefore, section 103 (1) of the BNS was added. He submits that so far the



petitioners are concerned, no specific allegation of assault has been made against them. He further submits that the petitioners have got a clean antecedent.

5. Per contra, the learned APP for the State opposes the prayer for bail on behalf of the petitioners and submits that the petitioners and other co-accused assaulted the father of the informant and brother of the informant, due to which they sustained injuries on their head and later on the father of the informant died during course of treatment. He further submits that co-accused Phulo Devi has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 12.05.2026 passed in Criminal Miscellaneous No. 32456 of 2026 and therefore the petitioners does not deserve the privilege of anticipatory bail.

6. Having considered the rival submissions and after going through the materials available on record, it appears that the father of the informant and brother of the informant were assaulted on their head with an iron rod and *Dabiya*. The specific allegation of assault is against the co-accused Santosh Kumar Bahardar and Rakesh Kumar Bahardar. General and omnibus allegation of assault with stick is against all the co-accused. Considering the above, let the above named



petitioners, 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 R.S. P.S. Case no. 26 of 2026, 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 Chief Judicial Magistrate/Concerned Court, Araria, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023, and subject to the following conditions:-

(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 his 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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