

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37894 of 2026

Arising Out of PS. Case No.-137 Year-2019 Thana- RUPASPUR District- Patna

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1. Niraj Gupta @ Niraj Sao Son of Surendra Singh @ Surendra Sao Resident of Village Rupaspur, Dhanaut, P.S. Rupaspur, Dist Patna
 2. Thakur @ Ritesh Kumar Son of Shyam Nandan Sharama Resident of Village - Near Government School Jhojhi, P.S.- Nagarnausa, Nalanda at Present Village - Gola Road, More Rupaspur, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dineshwar Pandey, Advocate
For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-06-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 308, 504 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 11.03.2019 Niraj (petitioner no. 1), Rajesh and his staff assaulted him by *khanti* and brick on account of which he received injury on his shoulder and they also broke the glass of his shop.

4. Learned counsel for the petitioners submits that initially when the FIR was instituted, the same was instituted under Sections 341, 323, 504 and 34 of the Indian Penal Code, as such, the



offences were bailable but under wrong legal advice A.B.P. No. 2415 of 2019 was filed by the petitioners and the same came to be rejected by an order dated 24.06.2019. It is further submitted that thereafter the police issued notice under Section 41A of the Cr.P.C. and the petitioners cooperated in the investigation, as such, the police never felt the need of arresting the petitioners but then charge-sheet came to be submitted under Sections 341, 323, 308 and 504 and 34 of the Indian Penal Code on 27.09.2023 thereafter cognizance was taken, as such, the petitioners apprehended their arrest, hence, filed the instant anticipatory bail application which came to be rejected and is impugned in the instant anticipatory bail application. It is next submitted that when the police, during the course of investigation, never made any efforts to arrest the petitioners, whether it would be prudent for the Court to send the petitioners to jail based on an order of cognizance. It is also submitted that similarly situated co-accused, namely, Rajesh Kumar had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 84853 of 2025 and the same came to be allowed vide order dated 20.02.2026 passed by a learned Coordinate Bench of this Court. It is also submitted that if the privilege of anticipatory bail is granted to the petitioners, the petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.



6. Considering the submissions made by the learned counsel appearing on behalf of the petitioners and taking into consideration the order dated 20.02.2026 passed in Cr. Misc. No. 84853 of 2025, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail 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 Trial Court where the case is pending/Successor Court in connection with Rupaspur P.S. Case No. 137 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that if the learned Trial Court comes to a conclusion that petitioners, after their release on anticipatory bail, are trying to delay the framing of charge or after framing of charge are trying to delay the trial of the case in any manner, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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