

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43862 of 2026

Arising Out of PS. Case No.-67 Year-2026 Thana- MAHARAJGANJ District- Siwan

1. Sanjay Prasad S/o Shiv Sagar Prasad Resident of Village - Akil Tola, P.S. - Maharajganj, District - Siwan
2. Dinesh Prasad S/o Shiv Sagar Prasad Resident of Village - Akil Tola, P.S. - Maharajganj, District - Siwan
3. Shiv Sagar Prasad S/o Late Ramdhyan Prasad Resident of Village - Akil Tola, P.S. - Maharajganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-07-2026 Learned counsel for the petitioner prays for and is allowed to withdraw the anticipatory bail application of petitioner no. 1, Sanjay Prasad.

2. Accordingly, the anticipatory bail application of petitioner no. 1, Sanjay Prasad stands dismissed as withdrawn.

3. Heard learned Counsel for the petitioners and learned APP for the State.

4. The petitioners apprehend their arrest in connection with Maharajganj P.S. Case No. 67 of 2026 for the offence registered under sections 126(2), 115(2), 109, 351(2), 352, 303(2), 3(5) of BNS, 2023.



5. As per the prosecution story, the informant alleged that on petty dispute between the parties, the accused persons resorted to assault. Petitioner no. 1, Sanjay Prasad gave dab blow to his mother on the head causing injuries. When the informant came to her rescue, allegation is that petitioner no. 2, Dinesh Prasad assaulted upon the head of his sister, Nibha, again by dab causing injury near the eyes and Shivsagar Prasad, petitioner no. 3 gave iron rod blow to the informant. The further allegation of taking away cash amount is also there. This led to the FIR.

6. Learned Counsel for the petitioners submit that so far as petitioner no. 1 is concerned, the anticipatory bail application already stands withdrawn. So far as petitioner nos. 2 and 3 are concerned, a perusal of the learned Sessions Judge order would show that the injuries have been found to be simple in nature. It is a dispute between the parties which has been exaggerated, they do not have criminal antecedent.

7. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that all of them have resorted to the assault.

8. Considering the submissions of the parties as also the fact that the injuries have been found to be simple in nature



and petitioner nos. 2 and 3 (Dinesh Prasad & Shiv Sagar Prasad) do not have criminal antecedent, in that background, this Court is inclined to grant the petitioner nos. 2 and 3 (Dinesh Prasad & Shiv Sagar Prasad) the anticipatory bail with conditions.

9. Let the petitioner nos. 2 and 3 (Dinesh Prasad & Shiv Sagar Prasad) in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Siwan in connection with Maharajganj P.S. Case No. 67 of 2026 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner nos. 2 and 3 (Dinesh Prasad & Shiv Sagar Prasad), who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner nos. 2 and 3 (Dinesh Prasad & Shiv Sagar Prasad) 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 bail bond



by the Trial court itself;

(iii) the petitioner nos. 2 and 3 (Dinesh Prasad & Shiv Sagar Prasad) shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner nos. 2 and 3 (Dinesh Prasad & Shiv Sagar Prasad) 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 petitioner nos. 2 and 3 (Dinesh Prasad & Shiv Sagar Prasad) shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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