

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49209 of 2026

Arising Out of PS. Case No.-116 Year-2026 Thana- PHULWARISHARIF District- Patna

Tulsi Kumar S/o- Tarak Nath Resident of Pethiya Bazar, PS- Phulwari,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhauri Kamal Kishore Sahay, Advocate
For the State	:	Mr. Mohammad Sufyan, APP
For the Informant	:	Mr. Girish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-07-2026

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Phulwari Sharif P.S. Case No. 116 of 2026 registered for the offence under Sections 223, 308(3), 119(2), 324(4), 324(5) and 3(5) of the Bharatiya Nyaya Sanhita, lodged on 18.01.2026 by the informant, Sunil Kumar Chaudhary.

3. As per the prosecution story, the informant alleged that he is fighting civil battle with the accused persons and the Title Suit No.5703 of 2014 is presently pending before a competent court of Patna. All the accused persons despite the stay order against any construction passed by the competent court are continuing with the construction work, made an auto stand and further, used JCB to capture his house. They are mafia people who prepare forged document to usurp the land of the



individual. Further, the Additional Collector has already canceled the Jamabandi on 21.04.2025. This led to the F.I.R.

4. Learned counsel for the petitioner submits that admittedly, the civil suit is pending before the parties and only to keep pressure, the present case. No date/time has been recorded while mixing all the events at one place. Had there been violation of Civil Court's order, they were fully entitled to file an appropriate petition bringing on record the violation of the order so that appropriate proceeding be initiated against the accused persons, the same is missing here. Further, he do not have criminal antecedent and the last submission is that Sunil Kumar @ Sunil Kumar Chaurasiya who is also in the category of accused has been granted relief by a coordinate Bench in Cr. Misc. No.36906 of 2026 on 15.06.2026.

5. Let the same be kept on record.

6. Learned counsel for the informant on the other hand submits that they are mafia people, are in the habit of usurping the land of innocent persons, though the civil suit is pending, the Jamabandi already stands canceled by the Additional Collector.

7. Learned counsel for the petitioner submits that if relief is granted and it is found that the petitioner has criminal antecedent, the order may become infructuous. He has taken the learned Sessions Judge order to show that no such killing was



ever made or recorded by the learned Sessions Judge that the petitioner has criminal antecedent.

8. Taking into account the submissions of the parties as also the fact that one of the co-accused has been granted relief, as recorded above, this petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

9. However, if it is found that contrary to the paragraph no.3 of the petition, the petitioner has criminal antecedent, the present order shall be come infructuous.

10. Let the petitioner 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) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna, in connection with Phulwari Sharif P.S. Case No. 116 of 2026 subject to the following conditions:-

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

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



investigation;

(iii) the petitioner 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 petitioner 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 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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