

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41931 of 2026

Arising Out of PS. Case No.-79 Year-2026 Thana- RAJPUR District- Buxar

1. Raju Kharwar, S/o Surendra Kharwar,
 2. Rohit Kharwar S/o Surendra Kharwar R
 3. Sunil Kharwar S/o Surendra Kharwar
 4. Sanjay Kharwar S/o Surendra Kharwar
- All are resident of Village - Hethua, P.S. - Rajpur, District - Buxar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Rajpur P.S.

Case No.79 of 2026 registered under Sections 103 read with

3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'BNS').

3. Allegation against petitioners is to commit

murder of the son of the informant along with co-accused

persons/family members after criminal trespass to the house

of the informant, where occurrence alleged to be arising out

of previous enmity.



4. It is submitted by learned counsel appearing for petitioners that the informant is not the eye witnesses of the occurrence of assault, which alleged to be caused by petitioners and other co-accused person, who are none but the brothers and father of the petitioners. It is further submitted that the informant and his wife is also not the eye witness of the second subsequent occurrence of assault and merely on the basis of suspicion arising out of previous enmity, as mentioned in the FIR, the informant implicated the petitioners and entire family. It is submitted that the other independent witnesses, who said to disclose the involvement of these petitioners to the wife of informant during the course of investigation, not appears to support the version of crime or any statement, which claimed by the wife of informant made by them. In support of his submission, the learned counsel referred paragraph nos. 10, 11 and 12 of the case diary.

5. Arguing further, it is submitted that considering all such aspects, as the basis of implication of these petitioners appears only suspicion, one of the co-accused



namely, Surendra Kahar @ Surendra Kharwar, who is father of these petitioners facing similar allegation was granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.38097 of 2026 dated 17.06.2026 and, therefore, as a matter of judicial parity, these petitioners also deserve bail, who are men of clean antecedent.

6. Learned APP opposed the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of fact, as implication of these petitioners *prima facie* appears on the basis of suspicion due to previous enmity, coupled with the fact that similarly situated co-accused person has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court, as mentioned aforesaid, accordingly, all above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to be released on bail on 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, Buxar in



connection with Rajpur P.S. Case No.79 of 2026, subject to
the conditions as laid down under Section 438(2) of the
CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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