

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44754 of 2026

Arising Out of PS. Case No.-746 Year-2025 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. Sudhanshu Kumar @ Sodhanshu Kumar S/o Rameshwar Ray Resident of Village- Sushta, P.S.- Sadar, District- Muzaffarpur
 2. Nitesh Kumar S/o Rameshwar Ray Resident of Village- Sushta, P.S.- Sadar, District- Muzaffarpur
 3. Sandhya Devi @ Radha Devi W/o Rameshwar Ray Resident of Village- Sushta, P.S.- Sadar, District- Muzaffarpur
 4. Anju Kumari D/o Rameshwar Ray Resident of Village- Sushta, P.S.- Sadar, District- Muzaffarpur

. ... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

2 08-07-2026 Heard the learned counsel for the petitioners and the
APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Sadar P.S. Case no.746/2025, registered under Sections 126(2), 115(2), 109, 352, 3(5) of B.N.S.

3. As per the prosecution story which has been lodged on the basis of written report submitted by the informant to the effect that on the date of occurrence all the accused persons came to the house of the informant and started using filthy language against his father and also threatened to kill him. When the father of the informant protested, the petitioner no.1 assaulted him on his head with an iron rod, due to which he sustained injuries on



his head and he fell down on the ground. It has further been alleged that thereafter the petitioner no. 2 assaulted on the waist of the father of the informant with a *lathi* and the petitioner no. 3 and 4 assaulted the father of the informant on his head and other parts of the body with a brick.

4. Learned counsel for the petitioners submits that petitioner are innocent and have not committed any offence. He submits that both the parties are agnate and there is dispute in between the parties for which the present case has been lodged. He further submits that for the same occurrence, a complaint case bearing Complaint Case No. 5035 of 2025 has been lodged by the petitioner no. 1 herein on 16.09.2025 and the present case is a counter blast of the said case. He submits that although, the occurrence is set to have been taken place on 19.08.2025, but the FIR has been lodged on 22.08.2025. He submits that there is admitted land dispute in between the parties and due to previous dispute the present occurrence has taken place. He submits that the petitioner no.1 and 2 have got 1 criminal antecedent bearing Muzaffarpur Sadar P.S. Case No. 828 of 2022, whereas the petitioner no. 3 and 4 have got clean antecedent. He further submits that so far the Muzaffarpur Sadar P.S. Case No. 822 of 2022, which has been mentioned in the impugned order is concerned, the same is a typographical error and the petitioner



no. 1 and 2 are accused in only 1 other case.

5. *Per contra* the learned APP for the State opposes the prayer for bail of the petitioners and submits that petitioners assaulted the informant on his head and other body parts, due to which he sustained injuries and the injuries have been found to be grievous in nature.

6. Considering the rival submissions and after going through the records it appears that there was a fight in between the parties for which the petitioner no. 1 has lodged a complaint case bearing Complaint Case P.S. Case No. 5035 of 2025 against the informant and his family members. The present case has been lodged after a delay of about 3 days. It further appears from the impugned order passed by the Additional Sessions Judge 16th, Muzaffarpur in A.B.P. No. 3532 of 2025 that three injuries were found by the doctor and per his opinion, the injuries are grievous in nature, caused by hard and blunt substance. Considering the specific allegation of assaulting with an iron rod on the head of the father of the informant, is against the petitioner no.1, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 1 and accordingly the prayer for bail of petitioner no. 1 is rejected. So far the petitioner no. 2 is concerned, there is allegation of assault upon the father of the informant on his waist is against him and so far the petitioner no.



3 and 4 are concerned they being lady have been made accused, and allegation of assault with brick has been leveled against them. Considering the above, let the petitioner no. 2, 3 & 4, 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 Sadar P.S. Case no.746/2025, 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 C.J.M, Muzaffarpur, subject to the condition laid down under Section 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 their 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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