

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42165 of 2026

Arising Out of PS. Case No.-142 Year-2026 Thana- BAIRIYA District- West Champaran

1. Santosh Patel @ Santosh Kumar S/O Baliram Patel R/O Village- Bhitaha Mathiya, P.S- Bairiya, District - West Champaran, Bihar, 845104.
2. Ashok Patel @ Ashok Kumar S/O Baliram Patel R/O Village- Bhitaha Mathiya, P.S- Bairiya, District - West Champaran, Bihar, 845104.
3. Golu Patel S/O Ashok Patel R/O Village- Bhitaha Mathiya, P.S- Bairiya, District - West Champaran, Bihar, 845104.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Kumar Shukla, Adv.
		Ms. Preety Singh, Adv.
For the Opposite Party/s	:	Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Bairiya P.S. Case No. 142 of 2026 registered for the offences punishable under Sections 329(3), 126(2), 352, 115(2), 118(1), 109(1), 103(1), 76, 61(2) and 3(5) of BNS.

3. The allegation against petitioners is to assault informant and others during the course of occurrence, where one person from informant side died during the occurrence and his father received grievous injury.

4. It is submitted by learned counsel appearing on



behalf of the petitioners that occurrence was free fight in nature, where both parties received injuries and which took place in the background of the land dispute. It is submitted that the petitioners are stranger to the occurrence and were implicated falsely for the reason that they are family members of the co-accused Ravindra Kumar, who implicated with this case being court *munsif* and under suspicion that they instigated the other parties to initiate land dispute.

5. Arguing further it is submitted that allegation qua causing injuries, which proved fatal is specifically available against co-accused persons namely Abhay Patel, Suresh Patel and Abha Devi. It is submitted that the allegations of assault against petitioners is appearing very much general and omnibus in nature and moreover, similarly alleged co-accused namely, Ravindra Kumar @ Ravindra Patel has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 38043 of 2026 vide order dated 17.06.2026 and therefore, as a matter of judicial parity these petitioners also deserves anticipatory bail.



6. It is submitted that petitioner no. 1 is involved in seven more cases of petty nature, related mostly with excise cases where he is on bail, whereas, petitioner no. 2 is a man of clean antecedent, and petitioner no. 3 is involved in three more cases, where he is also on bail. It is submitted that if merit of the case otherwise appears in favor of the petitioner, merely on the ground of criminal antecedents the prayer of bail should not be ordinarily rejected. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648.***

7. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that the allegation *qua* physical assault is available against petitioner no. 3 namely, Golu Patel to the informant alongwith Ravindra Kumar and others, but fairly conceded that the said co-accused Ravindra Kumar has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court as submitted aforesaid.



8. In view of aforesaid factual submission and by taking note of fact as allegation *qua* fatal assault *prima-facie* not appears available against petitioners rather same is specifically available against co-accused namely, Abhay Patel, Suresh Patel and Abha Devi, coupled with the fact that similarly situated co-accused has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court as discussed aforesaid, accordingly all above-named three petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, 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 CJM, Bettiah, West Champaran /concerned Court, where the case is pending in connection with Bairiya P.S. Case No. 142 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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