

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47290 of 2026

Arising Out of PS. Case No.-84 Year-2026 Thana- MATIHANI District- Begusarai

1. Abdhesh Rai @ Abdhesh Patel S/O Late Ram Jatan Rai Resident of village- Rachiyahi, Purana Tola, Ward No. 09, P.S.- Matihani, District- Begusarai
2. Ajit Rai @ Ajit Kumar S/O Late Ram Badan Rai Resident of village- Rachiyahi, Purana Tola, Ward No. 09, P.S.- Matihani, District- Begusarai
3. Malkhan Khan @ Malkhan Rai S/O Ram Uday Rai Resident of village- Rachiyahi, Purana Tola, Ward No. 09, P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ajay Kumar Thakur, Advocate Mr. Purushottam Kumar, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Krishna Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioners and the learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Matihani P.S. Case No.84 of 2026 for allegedly having committed offences under Sections 126(2), 115(2), 117(2), 109(1), 303(2), 76 and 3(5) of the B.N.S., 2023.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that on the date of occurrence while he was at his house, in the meantime, the petitioners along with other co-accused persons came there, armed with Lathi and iron rod and without assigning



any reason started abusing the mother of the informant and also used filthy language. When she protested, the petitioner no.2 pulled her *Sari* and when the informant went to save her, co-accused, Ram Uday Rai assaulted him with an iron rod on his head, due to which he sustained injuries and fell down on the ground. When the uncle of the informant, Deodhar Rai came to save him, co-accused, Sanjit Kumar Rai assaulted on his head with a stick, due to which he also sustained injuries. It has further been alleged that the petitioner no.3 along with other co-accused persons attacked the house of the informant and, in the meantime, co-accused, Ram Uday Rai snatched gold chain from the neck of the mother of the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and there was an altercation in between the parties, for which case and counter case have been lodged. Matihani P.S. Case No.85 of 2026 has been lodged by Awadhesh Patel, son of the petitioner no.2 herein for the same occurrence, wherein the informant and others have been made accused. He further submits that the specific allegation of assault has been levelled against co-accused, Ram Uday Rai and Sanjit Kumar Rai, whereas general and omnibus allegations have been levelled against the petitioners and other co-accused persons. He further submits that the petitioners no.1 and 2 have got a clean



antecedent while the petitioner no.3 is an accused in one another case bearing Matihani P.S. Case No.160 of 2016, however he has been acquitted in the same.

5. *Per contra*, the learned counsel appearing on behalf of the informant opposes the prayer for grant of anticipatory bail to the petitioners and submits that the petitioners along with other co-accused persons have assaulted the informant and his uncle and the injuries found on the body of his uncle have been opined to be grievous in nature. He further submits that other co-accused persons have been granted regular bail.

6. The learned APP appearing on behalf of the State also opposes the prayer for grant of anticipatory bail to the petitioners and submits that allegation of assault has been levelled against all the accused persons, including the petitioners.

7. Having considered the rival submissions and after going through the records, it appears that specific allegation of assault on the head of the informant has been levelled against co-accused, Ram Uday Rai. Further, specific allegation of assault on the head of the uncle of the informant has been levelled against co-accused, Sanjit Kumar Rai and only general and omnibus allegations have been levelled against the petitioners herein.

8. Taking into consideration the fact that no specific allegation of assault have been levelled in the First Information



Report against the petitioners and for the same occurrence, case and counter case is there in between the parties, since the petitioners side have also lodged Matihani P.S. Case No.85 of 2026 for the same occurrence, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Begusarai in connection with Matihani P.S. Case No.84 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition 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 steps for cancellation of their bail bonds. 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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