

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46167 of 2026

Arising Out of PS. Case No.-159 Year-2026 Thana- KURSAILA District- Katihar

1. Raja Kumar @ Kumar Gaurav Son of Ramesh Sah Resident of Village- Tengariya Kursela, Ward No. 12, P.S.- Kursela, District- Katihar
2. Chhotu Kumar @ Sourav Kumar Son of Ramesh Sah Resident of Village- Tengariya Kursela, Ward No. 12, P.S.- Kursela, District- Katihar
3. Ramesh Sah Son of Harichandra Das Resident of Village- Tengariya Kursela, Ward No. 12, P.S.- Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, A.P.P.
For the Informant	:	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-07-2026 Heard learned counsel for the petitioners, informant and the State.

2. Petitioners apprehend arrest in Kursela P. S. Case No. 159 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita.

3. As per prosecution case, these petitioners along with 4-5 unknown persons called the son of informant near Soni Hotel situated at Kursela Chowk where petitioner no. 1 assaulted on his head with *dabiya*. It is further alleged that when Himanshu Kumar went there to save him, petitioner no. 2



assaulted him with sword as a result of which he sustained head injury. These petitioners are also alleged to have snatched Rs. 40,000/- cash from the son of informant along with gold chain and ring and one gold locket from the neck of Himanshu Kumar.

4. Learned counsel appearing for the petitioners submits that petitioners are tenants of the informant and due to tenancy dispute, an altercation took place between the parties in which both sides sustained injuries. Case and counter case. Rest of the allegations are ornamental. Petitioners claim clean antecedent.

5. Learned counsel for the informant vehemently opposed the bail application and submits that petitioner no. 1 assaulted the son informant with *dabiya* as a result of which he sustained five injuries which are grievous.

6. In view of the fact that petitioner no. 1 caused grievous injury, **prayer for anticipatory bail of petitioner no. 1 is refused.** However, considering the nature of accusation against petitioner nos. 2 & 3, the **anticipatory bail with regard to petitioner nos. 2 & 3 is allowed** and it is ordered that the above named petitioner nos. 2 & 3 in the event of their arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond



of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Kursela P. S. Case No. 159 of 2026, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita.

(Prabhat Kumar Singh, J)

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