

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45866 of 2026

Arising Out of PS. Case No.-74 Year-2026 Thana- BARHIYA District- Lakhisarai

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1. Badal Kumar S/o Prakash Saw Resident of Village - Mirjaganj, P.S. - Badahiya, District - Lakhisarai
 2. Suraj Kumar S/o Prakash Saw Resident of Village - Mirjaganj, P.S. - Badahiya, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-07-2026 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 126(2), 115, 109(1), 352, 3(5) of the Bharatiya Nyaya Sanhita.

3. As per prosecution case, on 29.03.2026 at about 10:30 PM, while informant was on his way for idol immersion ceremony, these petitioners along with co-accused Prakash Saw caught him, took him to a nearby orchard and assaulted with belt. It is further alleged that petitioner no. 2 and co-accused Prakash Saw caught his neck and petitioner no. 1 stabbed him and the thereafter, the accused persons fled away.



4. Learned counsel appearing for the petitioners submits that petitioners are innocent and have committed no offence. Allegation of assault is general and omnibus and there is no allegation of any specific overt act against petitioners. Petitioners have got one criminal antecedent in which they are on bail.

5. Learned counsel for the State opposed the bail application and submits that there is specific and direct accusation that petitioner no. 1 stabbed the informant and fled away.

6. Considering the nature and seriousness of accusation, **prayer for anticipatory bail of petitioner no. 1 is refused.**

7. However, since there is no accusation of any specific overt act against petitioner no. 2, the **anticipatory bail with regard to petitioner no. 2 is allowed** and it is ordered that the above named petitioner no. 2 in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P. S. Case



No. 74 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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