

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44700 of 2026

Arising Out of PS. Case No.-70 Year-2026 Thana- BARAHAT District- Banka

1. Shyam Sundar Chouhan S/o Late Babu Lal Chouhan R/o Village- Telondha, P.S.- Dhoraiya, District- Banka.
2. Bina Devi Wife of Ramsevak Chouhan R/o Village- Haripur, P.S.- Barahat, District- Banka.
3. Raju Chouhan S/o Ramsewak Chouhan R/o Village- Haripur, P.S.- Barahat, District- Banka.
4. Satyawati Devi W/o- Shyam Sundar Chouhan R/o Village- Telondha, P.S.- Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Barahat PS Case No. 70 of 2026 in a case registered on 13.03.2026 for the offences punishable under Sections 126(2), 115(2), 329(4), 109(1), 324(3), 303(2), 117(2), 118(1), 352, 351(2), 3/5 of the BNS, 2023.

3. As per the prosecution case, the allegation against the petitioners is that they along with other accused persons trespassed the house of the informant and started abusing as well as assaulted her mother and father by means of *lathi-danda*



causing injuries to them. They also beaten the informant and tore her clothes. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged in the FIR and they have falsely been implicated in this case due to ongoing land dispute between the parties. It is the case of the petitioners that both sides have received injuries and there is no specific allegation of overt-act against these petitioners. Learned counsel further submits that the incident is said to have taken place on 09.03.2026 while the instant FIR came to be instituted on 13.03.2026 after delay of four days of the said occurrence, that too after lodging of the FIR by one Parmanand Chauhan who is one of the co-accused persons in the present FIR. The said co-accused, Pramanand Chauhan @ Parmand Couhan has been granted anticipatory bail by the Co-ordinate Bench of this Court *vide* order dated 30.06.2026 in Cr. Misc. No. 39911 of 2026. Lastly, it has been submitted that the petitioners have got clean antecedent.

5. On the other hand, learned APP opposes the prayer for anticipatory bail, however, concedes that one of the similarly situated co-accused persons has been granted anticipatory bail by the Co-ordinate Bench.



6. Considering the fact that there is a case and counter case between the parties, there is no specific allegation of overt-act against the petitioners, one of the accused persons as stated above has been granted anticipatory bail by the Co-ordinate Bench and the petitioners have got clean antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners, above named, be released on bail in the event of arrest or surrender within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned **Chief Judicial Magistrate, Banka** in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/their bail bond by the Trial Court itself;



(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/their bail bonds.

(Ajit Kumar, J)

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