

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51757 of 2026

Arising Out of PS. Case No.-72 Year-2026 Thana- MORKAHI District- Khagaria

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BIRLA KUMAR @ BIKASH TANTI @ BIRLA TANTI S/O BINOD TANTI
R/o vill - Kamathan, ward no. 3, P.S.- Morkahi, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 29-07-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Morkahi P.S. Case No.72 of 2026, F.I.R dated 22.04.2026 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352, 351(2)(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 21.04.2026 at about 8:00 p.m., while the informant's brother, Lalo Tanti, was taking a bath at his residence, the accused persons, including Birla Kumar (petitioner), objected to him taking the bath. When Lalo Tanti asserted that he was on his own land, the accused



allegedly abused and assaulted him with sticks and a knife. The informant alleged that when he intervened, Birla Kumar attacked him with a knife, causing an injury to his arm. Thereafter, other family members who came to intervene were also allegedly assaulted with sticks, resulting in injuries to Pramod Tanti, Jaimala Devi, and Sunil Tanti. Following the intervention of villagers, the incident came to an end, and the injured persons were taken to Sadar Hospital, Khagaria, for treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It has further been submitted that there is a case and counter-case, and both the sides have sustained injuries. Referring to the impugned order, learned counsel further submits that, as recorded in paragraph 48 of the case diary, the injuries alleged to have been sustained by Babulal Tanti have been found to be simple in nature. Lastly, it has been submitted that the petitioner has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that there is case and counter case, both the sides have sustained



injuries, and the injury sustained by Babulal Tanti have been found to be simple in nature and the petitioner has no criminal antecedent. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Khagaria, in connection with Morkahi P.S. Case No.72 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit 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/her/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 their bail bonds.

(Ajit Kumar, J)

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