

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51361 of 2026

Arising Out of PS. Case No.-4 Year-2026 Thana- GAMAHARIYA District- Madhepura

1. Prince Kumar @ Prince Raj S/O Anil Mehta R/O Village- Damha, Ward No. 10, P.S.- Gamhariya, Dist.- Madhepura.
2. Pankaj Kumar S/O Abhinandan Mehta R/O Village- Damha, Ward No. 10, P.S.- Gamhariya, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate Ms. Pooja Prasad, Advocate Mr. Rishi Sinha, Advocate
For the Opposite Party/s :		Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-07-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Gamhariya P.S. Case No. 04 of 2026, dated 02.01.2026, lodged under Sections 126(2), 115(1), 118(1), 110, 303(2), 74, 76, 351(2), 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, the FIR has been lodged against six named accused persons, including the present petitioners, with the allegation that they all attacked the informant’s family, due to which different persons sustained injuries and the injured persons were admitted to the hospital



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that the petitioners and the informant's side are agnates, and the cause of the dispute has already been mentioned in the FIR, namely, that a child of the informant's family was playing in the field near the house and fell down. The informant's family suspected that the petitioners' side had intentionally pushed the child, and on this issue, the dispute arose and a scuffle took place. It has been submitted that all the injuries are simple in nature and there is a case and counter-case between both sides. Counsel also submits that some of the co-accused persons have already been granted bail by a Co-ordinate Bench of this Court vide order dated 17.06.2026 passed in Cr. Misc. No. 27544 of 2026.

5. Learned APP for the State opposes the prayer for bail of the petitioners but fairly submits that, as per the pleadings, the parties are agnates and case and counter-case have been lodged between them.

6. Considering the facts and circumstances of the present case, particularly that the parties are agnates, case and counter-case have been lodged between them and the co-accused persons have already been granted bail by a Co-



ordinate Bench of this Court, let the above-named petitioners be released on bail, let the above-named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of C.J.M., Madhepura, in connection with Gamhariya P.S. Case No. 04 of 2026, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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