

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52738 of 2026

Arising Out of PS. Case No.-5 Year-2025 Thana- DIDARGANJ District- Patna

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1. Surendra Rai @ Surender Rai S/o Ramshlok Rai R/o - Didarganj, Dharmshala Gali, P.S. - Didarganj, Dist. - Patna.
 2. Balvir Kumar @ Virat Kumar @ Virat S/o Ramshlok Rai R/o - Didarganj, Dharmshala Gali, P.S. - Didarganj, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

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

2. The petitioners apprehend their arrest in connection with Didarganj P.S. Case No. 05 of 2025, for allegedly having committed offence under Sections 191(2), 190, 126(2), 115(2), 121(1), 121(2), 109, 132, 324(4), 352 and 351(2) of the BNS.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that on the date of occurrence, the informant along with police party went to execute warrant and to conduct raid. While he was at Didarganj check post, he



received a secret information that in Didarganj Dharmshala Lane, Sunil Rai, against whom non-bailable warrant of arrest was issued in relation to Danapur P.S. Case No. 88 of 2009, is going to his home at Patna from Didarganj. To verify the authenticity of the said information, the informant reached Didarganj Dharmshala Lane, however said Sunil Rai started to escape, upon seeing the Police party. When the police party tried to apprehend him, around 20-25 persons in the lane stopped the police personnel from apprehending Sunil Rai and started using filthy language against the police party. When the informant showed them the warrant, which was pending against Sunil Rai, they snatched the said warrant and tore it. When the informant protested, they started pelting stones and bricks and one person assaulted on the head of the informant, due to which he sustained serious injuries. When constable Niwas Kumar Pandit started making video, some antisocial elements snatched his mobile phone and threw it on the ground and also tried to snatch the pistol from the waist of constable Niwas Kumar Pandit. The informant gave information to the higher police authorities and when other police party reached there, the crowd started to escape. During course of their escape, the person, who tore away the warrant and the person who had assaulted the



informant, were apprehended and they disclosed their name as Ranjeet Kumar and Kunal Kumar. The Police team reached police station along with the apprehended persons and after the video recording was seen by the Police, the local chaukidar identified the petitioners and others, as the persons who were present there and were creating ruckus. On the basis of the said information, the present first information report has been lodged.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to local politics. He further submits that due to previous long standing land dispute with some persons and the local chaukidar, who was closely associated with them, the names of the petitioners has been disclosed by the chaukidar in the present case. He further submits that although 20-25 persons were said to be present at the place of occurrence, however the local chaukidar identified only 5 persons, who are all of a single family, which suggest the motive of the local chaukidar. He further submits that although the police went to execute warrant against Sunil Rai, however he has not been made an accused in the present case. He further submits that the petitioners have got a criminal antecedent



bearing Didarganj P.S. Case No. 49 of 2022, under different sections of the Indian Penal Code.

5. Per contra, the learned APP for the State vehemently opposes the prayer for bail of the petitioners and submits that the petitioners and others assaulted the police party, due to which they sustained injuries.

6. Having heard the rival submissions and after going through the records, it appears that the allegation against the petitioners are that while the police party reached to execute warrant, they along with other people present there, assaulted the informant and other police party and also snatched the warrant from the police party and teared it away. It further appears from the injuries that have been discussed in the impugned order dated 03.06.2026 passed in A.B.P. No. 293 of 2025 by the learned District and Additional Sessions Judge-I, Patna City, that the injury received by constable Sumit Kumar Pandit were found to be simple in nature by the treating doctor and so far injury with regard to informant is concerned, he was referred to NMCH, Patna for better treatment. It appears from the first information report that so far the allegation of assault on the head of the informant is concerned, the said person has already been arrested at the spot and no specific allegation has



been levelled against the petitioners. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of arrest or surrender within a period of six weeks, be released 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 the learned District and Additional Sessions Judge, First, Patna City in connection with Didarganj P.S. Case No. 05 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(1) The learned Court concerned shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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