IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60106 of 2026

CNR No. BRHC010872812026

Arising Out of PS. Case No.-259 Year-2026 Thana- ALOULI District- Khagaria

==========

1. Bipin Kumar @ Bipin Yadav S/O Gonar Yadav Resident of Village- Santosh, Ward No. 09, P.S.- Alauli, District-Khagaria
2. Vipul Kumar @ Vipul Yadav S/O Gonar Yadav Resident of Village- Santosh, Ward No. 09, P.S.- Alauli, District-Khagaria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Amit Prakash, Advocate
Ms. Ayushi, Advocate
For the Opposite Party/s : Mr. Bharat Bhusan, APP

==========

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-10-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Alauli P.S. Case No. 259 of 2026 for the offence under sections 126(2), 115(2), 109, 74, 76, 303(2), 308(3), 351(2), 351(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita lodged on 17.06.2026 by the informant, Mala Devi.

3. As per the prosecution story, the informant alleged that the accused persons including these two petitioners entered and assaulted her despite the fact that she was nine months pregnant. When the mother-in-law came to rescue, she was also assaulted causing injury on her head. They outraged her

WEB COPY

modesty and the allegation is that earlier she was married to the elder brother of these two petitioners who died of heart attack. Subsequently, she moved and married one Rohit Kumar which was not accepted by them. This led to the FIR.

4. Learned counsel for the petitioners submit that there is case and the counter case, both sides have suffered injuries. The injury of the informant side have been found to be simple in nature. These two petitioners do not have criminal antecedent.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioners on its own would like to contribute Rs. 5,000/- each (totaling Rs. 10,000/-) towards the medical assistance to Sushila Devi through Demand Draft issued by the local State Bank of India/any Nationalized Bank branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP Mr. Bharat Bhusan opposes the prayer submitting that allegation of assault is on these two petitioners.

7. Taking into account the submissions of the parties

WEB COPY

as also that there is case and counter case, both sides have suffered, the petitioners do not have criminal antecedent, they have assured to cooperate in the investigation, diligently appear in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- each (totaling Rs. 10,000/-) as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India branch/any Nationalized bank branch to Sushila Devi to be submitted to the Trial Court and handed over to the informant.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four 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, Khagaria in connection with Alauli P.S. Case No. 259 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioners shall appear on each and every date

WEB COPY

before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioners 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;

(v) the petitioners 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.

(Rajiv Roy, J)

munindra/-

U		T	

WEB COPY