

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63387 of 2025

Arising Out of PS. Case No.-1132 Year-2022 Thana- SHERGHATI District- Gaya

Somnath Keshari @ Somnatu Keshari @ Somantu Keshari Son of Ramdev
Keshari Resident of Village - Dobhi, P.S.- Sherghati (Dobhi), Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 7 10-02-2026 1. Heard learned counsel for the petitioner, learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in anticipation of his arrest in Sherghati (Dobhi) P. S. Case No.1132 of 2022 registered for the offences punishable under Sections 341, 323, 506 and 384 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that petitioner earlier had moved before this Court seeking anticipatory bail by filing Cr. Misc. No.59179 of 2024 and the same came to be disposed of by an order dated 05.09.2024 in terms of order dated 13.02.2024 in Cr. Misc No.3536 of 2024 (Naushad Ansari vs. the State of Bihar), since the offences for which the instant FIR has been instituted carries punishment of



less than seven years. It is further submitted that the police in compliance of the order dated 05.09.2024, did not issue notice under Section 41(A) of the Cr.P.C. despite petitioner representing before the SHO and the concerned Superintendent of Police, in terms of order dated 05.09.2024 in Cr. Misc. No.59179 of 2024 rather process under Section 82 Cr.P.C. in a mechanical manner was sought, as such, the instant anticipatory bail application was filed. It is submitted that after filing of the instant anticipatory bail application, the case was taken up on 17.10.2025 and the SHO and the Investigating Officer of the case were directed to remain present in the Court on 31.10.2025. It is next submitted that on 31.10.2025, the SHO and the Investigating Officer of the case were present and they submitted after going through the order dated 17.10.2025 that they have joined recently and that a mistake has been committed by the earlier Investigating Officer and all endeavours would be made to rectify the said mistake. It is thus submitted that thereafter process under Section 82 Cr.P.C. was recalled and the petitioner was given notice under Section 41(A) of the Cr.P.C. but then it is submitted that recently the Hon'ble Division Bench of this Court in Cr. Misc. No.65700 of 2025 (Md. Raja Vs. State of Bihar & Another) has held by judgment dated 16.12.2025 that



anticipatory bail is maintainable with respect to offences which carries punishment of 7 years and less. It is further submitted that in the instant case, the petitioner has been falsely implicated by the informant since they are having dispute from before. It is next submitted that informant alleges that on 04.12.2022 at about 8.30 P.M. he went to attend a reception ceremony, when he was intercepted by five accused persons including the petitioner, out of which, four accused were unknown and their faces were masked and the accused persons assaulted him by means of fist and slaps and petitioner even tried to strangle him and thereafter threatened to withdraw Dobhi P.S. Case No.471/2019, which informant had instituted against the petitioner.

4. Learned counsel for the petitioner submits that allegation does not inspire confidence, for the reason that it does not appear probable that five accused would have intercepted the informant only for threatening to withdraw the case. It is also submitted that when four accused are alleged to have been masked, why the petitioner would have shown his face to the informant. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence. It is further submitted that no doubt petitioner has antecedent of



five cases but then one case has been instituted by the informant and allegation as alleged in the FIR is also to be appreciated. It is next submitted that FIR even came to be instituted after a delay of two days, as occurrence is dated 04.12.2022 and the FIR came to be instituted on 06.12.2022.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-1st, Sherghati, Gaya in connection with Sherghati (Dobhi) P. S. Case No.1132 of 2022.

7. Further, one of the bailors of the petitioner shall be his father, namely, Ramdev Keshari.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the



investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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