

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71225 of 2025**

Arising Out of PS. Case No.-173 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

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1. Manoj Kumar @ Manoj Kumar Verma @ Manendra Kumar Verma S/o Ayodhya Prasad @ Jai Prakash @ Jai Prakash Verma R/o Village - Basantpur, P.S - Basantpur, District - Siwan
2. Manendra Kumar @ Manendra Kumar Verma S/o Ayodhya Prasad @ Jai Prakash @ Jai Prakash Verma R/o Village - Basantpur, P.S - Basantpur, District - Siwan
3. Rajiv Verma @ Nitish @ Nitish Kumar S/o Ayodhya Prasad @ Jai Prakash @ Jai Prakash Verma R/o Village - Basantpur, P.S - Basantpur, District - Siwan
4. Ajay Raj @ Prakash Kumar @ Prakash @ Ajay Kumar S/o Manoj Kumar @ Manoj Kumar Verma R/o Village - Basantpur, P.S - Basantpur, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vidyapati, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**

ORAL ORDER

3      16-04-2026                      1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant, Mr. Satyendra Rai.



2. The learned counsel appearing on behalf of the opposite party submits that complainant was not made opposite party in the case, but then complainant has appeared *suo motu*.

3. Learned counsel appearing on behalf of the petitioners submits that the case has a chequered history. It is next submitted that petitioner nos. 1 and 3 have antecedent of three cases and petitioner nos. 2 and 4 have antecedent of one case and the informant alleges that on 19.06.2022 at 05:15 PM he was returning home when he was intercepted by the accused persons including the petitions near a Shiva temple and accused persons started abusing, on protest, the accused assaulted him by fist and leg and Manoj gave a bottle of acid to his son Prakash @ Ajay and Manendar also gave a bottle of acid to his son Nitish and Prakash and Nitish threw acid on the informant causing injury.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that after the FIR came to be instituted, the petitioners herein moved before the learned District Court seeking anticipatory bail by filing ABP No. 1898 of 2022 and the same was allowed by an order dated 21.10.2022 with respect to petitioner nos. 1, 2 and 3



while while ABP No. 1898 of 2022 with respect to petitioner no. 4 herein was rejected. It is next submitted that police thereafter investigated the case threadbare and came to a considered conclusion that petitioners are innocent and thus submitted Final Form No. 129 of 2023 dated 07.05.2023 exonerating the petitioners of the allegation as alleged in the FIR. It is submitted that thereafter a protest petition was filed on behalf of the informant and the same was treated as a complaint case and the learned Trial Court based on the protest petition took cognizance of the offences under Sections 323, 341, 504, 325 and 34 of the Indian Penal Code by an order dated 02.05.2024. It is submitted that since cognizance was taken under bailable sections, as such, all the petitioners herein again surrendered before the learned Trial Court and were enlarged on regular bail by an order dated 03.07.2024. It is further submitted that the complainant assailed the order dated 02.05.2024 by which cognizance was taken against the petitioners under bailable sections by filing Criminal Revision No. 743 of 2024 before this Court. It is submitted that this Court allowed Criminal Revision 743 of 2024 by an order dated 23.04.2025 by setting aside the order of cognizance and the matter was remanded back to the learned Trial Court. It is next submitted that based on the order



of remand by this Court, the learned Trial Court again took cognizance of offences under bailable section including Section 326A of the IPC. It is submitted that Section 326A IPC is a non-bailable section. It is submitted that petitioners thereafter never received any summons and thereafter bailable warrant of arrest was issued, as such, police came knocking the doors of the petitioners when petitioners came to know that cognizance has been taken under various sections of the IPC including Section 326A IPC by the learned Magistrate by an order dated 28.05.2025, thus, the petitioners apprehending arrest moved before the learned District Court seeking anticipatory bail by filing ABP No. 1626 of 2025 and the same came to be disposed of which is impugned in the instant anticipatory bail application.

5. Learned counsel appearing on behalf of the petitioners submits that the learned District Court by an order dated 04.09.2025 disposed of ABP No. 1626 of 2025, directing the petitioners to surrender before the learned Trial Court and seek regular bail within 30 days from the date of receipt of the order dated 04.09.2025 and the learned Trial Court was directed to pass orders in accordance with law.

6. Learned counsel appearing on behalf of the petitioners submits that petitioners approached this Court



against the order dated 04.09.2025 in ABP No. 1626 of 2025 by filing the instant anticipatory bail application for the reason that the order of the learned Principal Sessions Judge, Gopalganj was lacking in clarity. It is submitted that petitioners apprehended that if they will surrender, it would be at the discretion of the learned Trial Court to grant or not to grant the privilege of bail. It is further submitted that since petitioners, as recorded hereinabove, were already granted the privilege of bail after surrendering, when cognizance was taken under bailable sections, as such, merely because cognizance subsequently came to be taken under a non-bailable section, also, that in itself cannot be ground for arresting the petitioners until and unless the petitioners have misused the privilege of bail, so granted earlier.

7. The learned APP for the State and the learned counsel appearing on behalf of the informant are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners, but then it is submitted that by the learned counsel appearing on behalf of the informant that there is no infirmity in the order passed by the learned Principal Sessions Judge, Gopalganj. It is submitted that the petitioners, instead of approaching this Court, ought to have



surrendered before the learned Trial Court seeking regular bail, as in the facts of the case anticipatory bail is not maintainable, on which the learned counsel appearing on behalf of the petitioners submits that it is difficult to countenance the said submission made by the learned counsel appearing on behalf of the informant, but then since petitioners were already on bail and they have not misused the privilege of bail hence, are entitled for bail on surrender, as it has been held by this Court in the case of *Mahendra Prasad Singh Vs. State of Bihar reported in 2004 (3) PLJR 491*, on which the learned counsel appearing on behalf of the informant submits that the said case is with regard to police bail, on which the learned counsel appearing on behalf of the petitioners submits that the case in hand is also akin to what was decided by this Court in the aforesaid case of Mahendra Singh (supra).

8. After hearing the learned counsel for the parties, the anticipatory bail application is disposed of with a direction to the petitioners to surrender before the learned Trial Court on 30.04.2026 and the learned Trial Court shall on the same day consider and dispose of the application, keeping in mind the fact that petitioners were already granted the privilege of bail earlier as recorded hereinaove and have not misused the privilege of



bail.

**9. The anticipatory bail application stands disposed of.**

**(Satyavrat Verma, J)**

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