IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72410 of 2026

CNR No. BRHC011042102026

Arising Out of PS. Case No.-77 Year-2026 Thana- KARANDAY District- Sheikhpura

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1. Prabhakar Kumar S/O Late Rambalak Singh R/O Village and P.S.- Karandey, Distt.- Sheikhpura.
2. Rajesh Kumar @ Rajesh Kumar Singh S/O Shivalak Singh R/O Village and P.S.- Karandey, Distt.- Sheikhpura.
3. Gopal Kumar S/O Rajesh Kumar @ Rajesh Kumar Singh R/O Village and P.S.- Karandey, Distt.- Sheikhpura.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mrs. Sarita Kumari, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2026 Learned counsel for the petitioner prays for and is allowed to withdraw the anticipatory bail application of petitioner no.1, Prabhakar Kumar. Accordingly, his anticipatory bail application stands rejected.

2. Heard learned counsel for the petitioners, the State and the informant.

2. The petitioners are apprehending their arrest in connection with Karandey P.S. Case No. 77 of 2026 for the offence under sections 115(2), 126(2), 109, 117(2), 331(4), 76 and 3(5) of the B.N.S. lodged on 13.08.2026 by the informant, Gulshan Kumar.

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3. As per the prosecution story, the informant alleged that in the mid night of 12.08.2026 when they were sleeping, the accused persons entered and tried to loot the belongings. Upon objection and as they raised alarm, allegation is that Prabhakar Kumar (petitioner no.1) used his pistol butt to assault on the head of the informant. Rajesh Kumar and Gopal Kumar gave iron rod blow causing injury on the head. They resorted to assault and injured his mother also. Her modesty was outraged and some ornaments/cash were also taken away. This led to the FIR.

4. Learned counsel for the petitioners submit that there is case and counter case. Both sides have suffered and the case of the petitioners are earlier. Further submission is that though injury on the head is there, it can be attributed to Prabhakar Kumar (petitioner no.1). The last submission is that they do not have criminal antecedent.

5. Learned APP as also the learned counsel for the informant opposes the prayer submitting that though the main allegation is against Prabhakar Kumar (petitioner no.1) giving pistol butt blow on the head, the omnibus role of these petitioners cannot be ignored.

6. Taking into account the submissions of the parties

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as also that there is case and counter case, the anticipatory bail application of Prabhakar Kumar (petitioner no.1) stands dismissed as withdrawn, the other two petitioners namely Rajesh Kumar (petitioner no.2) and Gopal Kumar (petitioner no.3) do not have criminal antecedent, injury has not been found to be grievous in nature, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners namely Rajesh Kumar (petitioner no.2) and Gopal Kumar (petitioner no.3) 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 Judicial Magistrate First Class, Sheikhpura in connection with Karandey P.S. Case No. 77 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners namely Rajesh Kumar (petitioner no.2) and Gopal Kumar (petitioner no.3) who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioners namely Rajesh Kumar (petitioner

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no.2) and Gopal Kumar (petitioner no.3) shall appear on each and every date 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 petitioners namely Rajesh Kumar (petitioner no.2) and Gopal Kumar (petitioner no.3) shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioners namely Rajesh Kumar (petitioner no.2) and Gopal Kumar (petitioner no.3) shall appear before the concerned police station every month for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioners namely Rajesh Kumar (petitioner no.2) and Gopal Kumar (petitioner no.3) 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;

(vi) the petitioners namely Rajesh Kumar (petitioner no.2) and Gopal Kumar (petitioner no.3) shall desist from committing any criminal offence again, failing which the State

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shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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