IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76849 of 2026

CNR No. BRHC011065592026

Arising Out of PS. Case No.-216 Year-2026 Thana- UCHKAGAON District- Gopalganj

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Vikash Kumar Son of Ramaji Prasad R/o village- Sakhe Khas Nawaka Tola (Samundra), P.S.- Uchkagaon, District- Gopalganj.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate
Mr. Rajesh Kumar Pandey, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 04-11-2026 Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Uchkagaon P.S. Case No.216 of 2026, F.I.R dated 03.06.2026 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 30.05.2026 at about 8:00 P.M., the accused persons, who are co-villagers of the informant, were constructing a house over his land. Upon protest, accused Vikash Kumar assaulted the informant with a Farsa on his head, while Sona Devi assaulted him with an iron

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rod, causing injuries to his finger. The informant was subsequently treated at Uchkagaon Health Centre.

4. Learned counsel for the petitioner submits that both the sides have sustained injuries in the free fight, which is said to have taken place on 30.05.2026 and there is a delay of three days in registeration of the F.I.R. It has also been submitted that for a trivial issue, the incident is said to have taken place, however, the injuries which is said to have been sustained by the informant, has been found to be simple in nature, as is evident from the impugned order. It has also been submitted that the petitioner also attempted to lodge a F.I.R. against the informant, which was refused by the local police and thereafter, the petitioner was compelled to file a complaint case, which is pending before the Court of learned Chief Judicial Magistrate, Gopalganj, in which the informant and other family members are accused. It has lastly been submitted that the petitioner has no criminal antecedent and undertakes to cooperate with the investigation / trial and would not commit such mistake in the future.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances

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that there is case and counter case, the injuries sustained by the parties are simple in nature and for same and similar allegation, in which the petitioner is also said to have sustained injuries, for which there is a complaint case filed by him on refusal of non-registration of F.I.R. by the Police. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Gopalganj, in connection with Uchkagaon P.S. Case No.216 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two

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consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

(iv) the petitioner(s) 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.

(Ajit Kumar, J)

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