IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75239 of 2026

CNR No. BRHC011066392026

Arising Out of PS. Case No.-114 Year-2011 Thana- MOHIUDDIN NAGAR District-Samastipur

==========

1. Dilip Singh, S/o Late Sukh Nandan Singh, R/o Village- Bochaha, P.S.- Mohiuddin Nagar, District- Samastipur
2. Shailendra Singh, S/o Late Sukh Nandan Singh, R/o Village- Bochaha, PS - Mohiuddin Nagar, District- Samastipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP
For the Informant : Mr. Deepak Kumar Singh, Advocate

==========

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-11-2026 Heard Mr. Lakshmindra Kumar Yadav, learned Advocate for the petitioners and the learned APP for the State. The informant is represented through Mr. Deepak Kumar Singh, learned Advocate.

2. The petitioners are apprehending their arrest in connection with S.T. No. 241 of 2014, arising out of Mohiuddin Nagar P.S. Case No. 114 of 2011, registered for the offences under Sections 147, 149, 341, 324, 447, 504 and 307 of the Indian Penal Code.

3. Allegedly, on the given date and time of occurrence, the petitioners along with others, who were engaged in uprooting the hut and when the same was protested by the

WEB COPY

wife of the informant, the petitioners have assaulted her by means of *Farsa* over her head, due to which she sustained serious injury.

4. Learned advocate for the petitioners, referring to the F.I.R., submitted that though the same was instituted long back in the year 2011, but the police after investigation has found no materials and the petitioners were not even sent up for trial. After submission of the charge-sheet, the learned court of Sub-Divisional Judicial Magistrate, Samastipur has also not taken cognizance of the offences as alleged in the F.I.R. against the petitioners. Nonetheless, the prosecution has filed a petition on 21.04.2026 under Section 319 of the Cr.P.C. for impleading the name of the petitioners as accused to face the trial. On a prayer made by the prosecution, the learned trial court vide order dated 02.06.2026 issued summons against the petitioners to face the trial, hence the necessity of anticipatory bail has arisen. Referring to the allegations, learned Advocate for the petitioners further submits that so far as the injury is concerned, the same has been opined to be simple in nature. To support the aforesaid contention, the deposition of witness no. 5 has also been brought on record as Annexure-5 to the bail application.

5. On the other hand, learned APP for the State and

WEB COPY

the informant vehemently oppose the bail application. Mr. Singh, learned Advocate for the informant further added that so far as the criminal antecedent of the petitioners is concerned, though they have stated that they are facing six criminal antecedents, but as per his instruction, the petitioners are involved in more than six cases.

6. Having considered the rival submissions advanced by learned Advocate for the respective parties and taking note of the fact that during the course of investigation nothing has surfaced against the petitioners, which led to not sending up of the petitioners for trial and the petitioners have been summoned by the learned trial court vide order dated 02.06.2026, after 15 years, beside the nature of injury is said to be simple in nature, as also mere criminal antecedent of a person cannot be sole ground to refuse bail, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Samastipur in connection with S.T. No. 241 of 2014, arising out of Mohiuddin Nagar P.S. Case No.114 of 2011, subject to the

WEB COPY

condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further conditions:

(i) One of the bailors shall be the own/close relative of the petitioners.

(ii) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

U		T	

WEB COPY