IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77919 of 2026

CNR No. BRHC011066772026

Arising Out of PS. Case No.-63 Year-2025 Thana- Kalibagh District- West Champaran

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Radhe Shyam Rai S/o Paspat Rai R/o Village - Shastri Nagar Ward No. 06, P.S. - Kalibagh, Dist. - West Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 05-11-2026 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 Kalibagh P.S. Case No.63 of 2025, F.I.R dated 01.03.2025 registered for the offences punishable under Sections 126(2), 115(2), 303(2), 109, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, in brief, is that the informant, Manish Kumar Rai, lodged his fardbeyan on 26.02.2025 alleging that on 25.02.2025, while he was about to leave for school, the accused persons, namely, Radhe Shyam Rai (petitioner), Amrit Kumar and Shobha Devi, armed with weapons, assaulted him. It is alleged that Radhe Shyam Rai

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assaulted him with an iron rod, causing injuries to his head, while Amrit Kumar assaulted him with a brick on his shoulder. When his wife, Namita Kumari, intervened, Shobha Devi caught her by the hair and assaulted her, while Amrit Kumar snatched her mangalsutra worth Rs.60,000/-. It is further alleged that when their son, Ayush Kumar, came to rescue his mother, Amrit Kumar assaulted him with a lathi.

4. Learned counsel for the petitioner submits that the nature of injuries sustained by the informant do no corroborate the allegations levelled in the F.I.R., however, the injuries which have been sustained have been found to be simple in nature. It has next been submitted that there is case and counter case, both the sides have sustained injuries and the petitioner has clean antecedent and undertakes to cooperate with the investigation / trial.

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

6. Considering the aforesaid facts and circumstances that the nature of injuries sustained by the informant do no corroborate the allegations levelled in the F.I.R., and the injuries which have been sustained have been found to be simple in nature, there is case and counter case, both the sides have

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sustained injuries and the petitioner has clean antecedent. 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 Additional Chief Judicial Magistrate-III, Bettiah, West Champaran, in connection with Kalibagh P.S. Case No.63 of 2025, 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 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

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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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