IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74864 of 2026

CNR No. BRHC011074582026

Arising Out of PS. Case No.-388 Year-2026 Thana- BAIRIYA District- West Champaran

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1. Raushan Kumar @ Raushan Patel S/O Ravindra Patel @ Ravindra Kumar R/o Vill.- Bhitaha Mathiya, P.S - Bairiya, District - West Champaran, Bihar- 845104
2. Santosh Patel @ Santosh Kumar S/O Baliram Patel R/o Vill.- Bhitaha Mathiya, P.S - Bairiya, District - West Champaran, Bihar- 845104

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rahul Kumar Shukla, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-11-2026 Heard learned Advocate for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bairiya P.S. Case No. 388 of 2026, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 74, 351(2), 352, 303(2) & 3(5) of the BNS.

3. The allegation against the petitioners, along with other accused persons and 10 to 15 unknown persons, is that they caused assault and snatched the belongings of the informant and others.

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4. Learned Advocate for the petitioners referring to the FIR, primarily argued that even if the allegation is taken to be true for the sake of argument, there is no specific allegation against the petitioners of causing any overt act against the informant and any of the injured. The allegation has been specifically attributed against co-accused Ravindra Kumar @ Ravindra Patel, Vivek Patel @ Vivek Kumar and Golu Patel, who have been extended the privilege of anticipatory bail by a learned co-ordinate Bench of this court in Criminal Misc. No. 74860 of 2026 *vide* order dated 28.10.2026. It is further argued that the injuries, which are allegedly sustained to the informant's husband is found to be simple in nature. There is a counter version of the present case being Bairiya P.S. Case No. 389 of 2026. On account of a previous dispute, both the parties have entered into a brawl, resulting into some unfortunate injuries. The reason behind the false implication of the petitioners are said to be their criminal antecedent as has been disclosed in paragraph no. 3 of the bail application; however, it is contended that the petitioners are presently on bail in all the cases.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that petitioner no. 2 is carrying eight criminal antecedents over his

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head and, as such, for this reason alone, petitioner no. 2 does not deserve the privilege of anticipatory bail.

6. Having considered the rival submissions advanced by learned Advocate for the respective parties and taking note of the fact that, save and except that the petitioners are said to be members of the mob, there is no allegation of any overt act against them, and that the injuries are reported to be simple in nature; besides, other co-accused persons have been extended the privilege of anticipatory bail and the case of the petitioners stands on a similar footing, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court of Chief Judicial Magistrate/other concerned court at Bettiah, West Champaran in connection with Bairiya P.S. Case No. 388 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further conditions that:-

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

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(ii) In case, the petitioner no. 2 found involved in identical incidents or threaten the informant, in such circumstances, the informant or the prosecution shall be at liberty to file an application for cancellation of his bail.

(Harish Kumar, J)

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