IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74407 of 2026

CNR No. BRHC011076722026

Arising Out of PS. Case No.-311 Year-2026 Thana- FATEHPUR District- Gaya

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1. Mukesh Kumar, S/o Sukar Mahto, R/o Village- Brindavan, P.S.- Fatehpur, Distt.- Gayaji
2. Anil Kumar, S/o Janardan Prasad, R/o Village- Brindavan, P.S.- Fatehpur, Distt.- Gayaji
3. Ravindra Kumar, S/o Janardan Prasad, R/o Village- Brindavan, P.S.- Fatehpur, Distt.- Gayaji

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kishore Kumar Thakur, Advocate
Mr. Braj Kishore Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-10-2026 Heard Mr. Kishore Kumar Thakur, learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Fatehpur P.S. Case No. 311 of 2026 registered for the offences under Sections 126(2), 115(2), 109, 117(2), 303(2), 74, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation against the petitioners is of causing serious assault to the informant, resulting into serious injuries over various parts of the bodies. There is further allegation against other accused persons of causing assault to the wife of the informant, besides snatching of valuables and misbehavior.

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4. Learned Advocate for the petitioners, referring to the F.I.R., primarily contended that the alleged occurrence is said to have taken place on 26.05.2026, but surprisingly the present F.I.R. came to be instituted on 06.06.2026, after a delay of almost ten days, however, without there being any plausible explanation of delay. From the reading of the F.I.R., it is evident that the genesis of the occurrence is nothing, but a land dispute, which resulted into a free fight, leading to injuries to the persons of both the sides and institution of case and counter case, being Fatehpur P.S. Case No. 312 of 2026, instituted against the informant and others, the copy whereof has been brought on record as Annexure- P/2 to the bail application. Learned Advocate for the petitioners further argued that in the said incidence, none has sustained any serious injuries, as is also evident from the impugned order. The petitioners are men of fair antecedent and it has further been clarified that what is mentioned in the F.I.R., that the petitioners are carrying one past criminal antecedent, is nothing, but a false statement.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of

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the inordinate delay in lodging of the F.I.R., besides the factum of case and counter case and the genesis of the land dispute, as also the fair antecedent of the petitioners, 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 Chief Judicial Magistrate, Gaya in connection with Fatehpur P.S. Case No. 311 of 2026, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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