

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75757 of 2025

Arising Out of PS. Case No.-302 Year-2025 Thana- TEKARI District- Gaya

1. Raushan Kumar S/O Ganesh Sharma @ Ganesh Singh Resident Of Village- Tetariya, P.s.- Tekari, Dist.- Gaya
2. Sunita Devi W/O Venkatesh Sharma Resident Of Village- Tetariya, P.s.- Tekari, Dist.- Gaya
3. Ganesh Sharma @ Ganesh Singh S/O late Ragho Sharma Resident Of Village- Tetariya, P.s.- Tekari, Dist.- Gaya
4. Venkatesh Sharma S/O Ganesh Sharma @ Ganesh Singh Resident Of Village- Tetariya, P.s.- Tekari, Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-03-2026 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

2. Learned counsel for the petitioners seek permission
to withdraw the bail application of petitioner no.4 namely,
Venkatesh Sharma, as the same has become infructuous.

3. Permission is granted.

4. As such, the bail application of petitioner no.4
namely, Venkatesh Sharma, stands dismissed, as having become
infructuous.

5. The petitioner nos.1, 2 & 3 are apprehending arrest



in connection with Tekari P.S. Case No. 302 of 2025 lodged on 29.06.2025, for the offence punishable under Sections 126(1), 126(2), 115(2), 117(2), 118(1), 109, 74, 351(2), 351(3) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

6. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioners. It has been alleged in the FIR that initially three accused persons and subsequently, five accused persons have assaulted the informant's side due to which, injury has been caused and accordingly, they referred to the hospital for treatment.

7. Learned counsel for the petitioner nos.1, 2 & 3 submits that they are innocent and have committed no offence. Counsel submits that the entire FIR is in two parts. In the first part, allegation is against three persons and in second part, the allegation is against five persons. He submits that both the parties are resident of the same village and a long pending dispute is going on between them. Counsel further submits that the petitioner no.1 has three criminal antecedents and the petitioner nos.2 & 3 have two criminal antecedents. Petitioners are on bail. Counsel submits that the petitioner no.2 is a female aged about 40 years and she has been made accused in this case only due to the reason that allegation of scuffling is upon her



husband. Petitioner no.3 is an old man aged about 72 years. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

8. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioners and submits that counsel for the petitioners is trying to mislead the court by saying so that the FIR is in two parts. He submits that actually, the FIR is not in two parts, rather, initially, three persons and subsequently, five persons have assaulted the informant's side due to which, injury has been caused. He also submits that in the rejection order, the injuries have been acknowledged that the injury no.1 is grievous in nature and injury no.2 is simple in nature.

9. Learned APP for the State opposes the prayer for bail of the petitioners and submits the injuries have been acknowledged in the rejection order.

10. After going through the record, it transpires that the allegation against petitioner no.1 Raushan Kumar is that he has scuffled initially with the informant's side and caused injury to them. The petitioner no.2 is a female and allegation of scuffling is upon her husband and the petitioner no.3 is an old man aged about 72 years.



11. As such, in the present facts and circumstances of this case, let the petitioner no.2 namely, Sunita Devi and petitioner no.3 namely, Ganesh Sharma @ Ganesh Singh be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Additional Chief Judicial Magistrate-VI, Gaya, in connection with Tekari P.S. Case No. 302 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

12. So far as petitioner no.1 namely, Raushan Kumar is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

(Dr. Anshuman, J)

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