IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78682 of 2026

CNR No. BRHC011124722026

Arising Out of PS. Case No.-197 Year-2026 Thana- BHAGWANPUR District- Vaishali

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1. Sarita Devi Wife of Shyamnandan Sharma Resident of Village- Pratap Tand, P.S.- Bhagwanpur, District- Vaishali
2. Amit Kumar Son of Satyendra Sharma Resident of Village- Pratap Tand, P.S.- Bhagwanpur, District- Vaishali

... ... Petitioners

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioners : Mr. Nachiketa Jha, Advocate
For the Opposite Party : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application for anticipatory bail arises out of Bhagwanpur P.S. Case No. 197 of 2026, registered for the offence punishable under Sections 191(2), 191(3), 190, 74, 109, 303(2) of the Bharatiya Nyaya Sanhita.

3. As per allegation, the petitioners along with co-accused persons forming an unlawful assembly, sharing a common intention, assaulted the informant, his nephews as well as his daughter-in-law.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case and there is general and omnibus allegation against them. Moreover,

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there is a counter version of the present FIR, when a counter case was lodged for the offences punishable under Sections 109, 74 and other ancillary sections of the BNS. It has further been submitted that although cause of dispute has not been mentioned in the FIR against the petitioners, but, in the counter case, it has been stated that due to previous dispute, the informant's side came variously armed and assaulted many persons of the petitioners' side. It has, thus, been submitted that there was free fight between the parties without any pre-meditation to kill. It has further been submitted that the injuries sustained by the injured persons were simple in nature, while the nephew of the informant, namely, Pankaj Kumar, has received some injuries, wherein the injury on finger, i.e., non-vital part of the body, was found grievous in nature. It has lastly been submitted that the petitioners have got no criminal antecedents.

5. Learned counsel for the State opposed the prayer of anticipatory bail of the petitioners.

6. Heard the parties and perused the record.

7. Considering the facts and circumstances of the case as well as genesis of the occurrence and the injury report, let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on

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bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VIth, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 197 of 2026, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita.

8. This application is accordingly allowed.

(Praveen Kumar, J)

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