IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78359 of 2026

CNR No. BRHC011140802026

Arising Out of PS. Case No.-189 Year-2026 Thana- AURAI District- Muzaffarpur

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1. Dinesh Rai S/o Late Musafir Rai R/o Village - Kalyanpur, PS - Aurai, District - Muzaffarpur
2. Pankaj Kumar S/o Dinesh Rai R/o Village - Kalyanpur, PS - Aurai, District - Muzaffarpur
3. Ravi Kumar S/o Dinesh Rai R/o Village - Kalyanpur, PS - Aurai, District - Muzaffarpur
4. Ritesh Kumar S/o Dinesh Rai R/o Village - Kalyanpur, PS - Aurai, District - Muzaffarpur
5. Shiv Kumar S/o Bhajan Rai R/o Village - Jagdishpur, PS - Nanpur, District - Sitamarhi
6. Vishwanath Kumar S/o Bhajan Rai R/o Village - Jagdishpur, PS - Nanpur, District - Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anil Kumar, Adv.
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2026 Heard Mr. Anil Kumar, learned Counsel for the petitioners and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Aurai P.S. Case No. 189 of 2026 for the offence registered under sections 329(3), 126(2), 115(2), 118(1), 109, 74, 352, 303(3), 3(5) of the BNS, 2023 lodged on 17.06.2026 by the informant Vinda Devi.

3. As per the prosecution story, the informant alleged

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that on petty issues, the accused resorted to assault and allegation is that the informant was assaulted by Shiv Kumar, Raj Mohan by Vishwanath and Raj Kishor by Dinesh Rai. They were shifted to the hospital and then the FIR.

4. Learned Counsel for the petitioners submit that there is case and counter case, both sides have suffered, though concede that both the cases have been lodged after seven days. None of them have criminal antecedent and the injuries have been found to be simple in nature.

5. The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 1,000/- each (totalling Rs. 6,000/-) through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted before the ‘NAZARAT’ of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that though there is case and counter case, there have been injuries on the person of the injured.

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7. Considering the submissions aforesaid as also that the injuries have been found to be simple in nature, there is delay of seven days in lodging of the FIR, none have criminal antecedent, in that background, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 1,000/- each (totalling Rs. 6,000/-) as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local branch of the State Bank of India/any Nationalized Bank to be submitted to the Trial Court.

8. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Muzaffarpur in connection with Aurai P.S. Case No. 189 of 2026 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioners shall appear on each and every date

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before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or 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 petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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