

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89443 of 2025

Arising Out of PS. Case No.-226 Year-2025 Thana- BIRAUL District- Darbhanga

1. Radhe Shyam Sah Son of Ramvilas R/o Neori Navtoliya, P.S. - Biraul, Dist. - Darbhanga.
2. Krishana Kumar Sah Son of Ram Bilas Sah R/o Neori Navtoliya, P.S. - Biraul, Dist. - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar R/o Neori Navtoliya, P.S. - Biraul, Dist. - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-01-2026 Heard Mr. Ajay Kumar, learned counsel for the petitioners and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are apprehending arrest in connection with Biraul P.S. Case No. 226 of 2025 instituted under Sections 126(2), 115(2), 74, 303(2), 351(2), 352, 3(5) of the Bhartiya Nayay Sanhita, 2023 lodged on 01.07.2025 by the informant, Mamta Devi.

3. As per the prosecution story, the informant alleged that on 30.06.2025, the informant was at her house, the accused



persons armed variously came and assaulted her. The allegation against Santosh Yadav is of putting towel around the neck of informant's husband and tried to pull it, as a result whereof, the husband became senseless. As she rushed to the place, the allegation is that Laxman Sah, Radhe Shyam Sah (petitioner no.1) and Krishana Kumar Sah (petitioner no.2) gave fist and slap blow and also tried to outrage her modesty. The further allegation against Geeta Devi is of assault and taking away the gold chain/amount. This led to the FIR.

4. Learned counsel for the petitioners submit that a perusal of the FIR would show that only due to animosity, the FIR has been lodged, in any case, main allegation is against Santosh Yadav of putting towel around the neck of the husband.

5. So far as these petitioners are concerned, the allegation is of giving fist/slap blow. They have no criminal antecedent.

6. Learned APP opposes the prayer submitting that the allegation of giving fist/slap blow is against these petitioners.

7. Considering the submissions of the parties as also the materials on record, the petitioners do not have criminal antecedent, the allegation mainly is against Santosh Yadav, in that background, this Court is inclined to extend them the



privilege of anticipatory bail.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Biraul P.S. Case No. 226 of 2025 to the satisfaction of learned A.J.M.-01, Biraul, Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their 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 their bail bonds.

(Rajiv Roy, J)

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