

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88181 of 2025

Arising Out of PS. Case No.-271 Year-2024 Thana- KESARIA District- East Champaran

1. BINOD SAH @ BINOD KUMAR SAH S/O RAJENDRA SAH R/o vill - Dilwarpur, P.S.- Kesaria, Distt.- East Champaran
2. Vikash Kumar S/o Jagadish Sah @ Jagdish Sah R/o vill - Dilwarpur, P.S.- Kesaria, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari
For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no.1.

3. Permission is granted.

4. Accordingly, this application with regard to petitioner no.1 is dismissed as withdrawn.

5. However, if the petitioner no. 1 surrenders before the learned Court below within a period of four weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.



6. Now, this application survives only with regard to petitioner no.2.

7. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 189(2), 126(2), 115(2), 118(1), 109, 352, 351(2) of the Bharatiya Nyaya Sanhita.

8. The allegation in the First Information Report is that the petitioner along with other co-accused persons assaulted the informant, due to which he received injury on his head.

9. The learned counsel for the petitioner submits that it would be evident from bare perusal of the First Information Report that the specific allegation of assaulting the informant on his head causing incised injury to him is upon petitioner no.1 and so far as the petitioner no.2 is concerned, there is no specific allegation of assault. It has also been submitted that despite the fact that the F.I.R. was registered on the same day, there was a delay of four days in sending the F.I.R. to the concerned Court and it is also a fact that the nature of injury suffered by the informant is said to be simple in nature although suffered on the vital part for which the petitioner no.2 is not responsible.

10. Learned APP for the State opposed the prayer for anticipatory bail on the basis of allegations made in the First



Information Report.

11. Taking into consideration the facts and circumstances and considering the fact that there is no specific allegation on petitioner no. 2 and the injury caused to the informant is also simple in nature, let the above named petitioner no. 2, who has no criminal antecedent, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Kesariya P.S. Case No. 271 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

anand/-

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