

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90588 of 2025

Arising Out of PS. Case No.-592 Year-2025 Thana- RAHUI District- Nalanda

1. Shashi Bhushan Prasad Son of Late Indradeo Mahto R/o Village - Rahui, Police Station - Rahui, District - Nalanda.
2. Raushan Kumar Son of Shashi Bhushan Prasad R/o Village - Rahui, Police Station - Rahui, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP
For the informant	:	Ms. Ojaswi Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-01-2026 Heard Mr. Anil Kumar Singh, learned Counsel for the petitioners, Mr. Aditya Narayan Singh No. representing the State and Ms. Ojaswi Kumari, learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Rahui P.S. Case No. 592 of 2025 for the offence registered under sections 126(2), 115(2), 109(1), 76, 352, 351(2), 3(5) of the BNS lodged on 14.10.2025 by the informant, Yashkant Kumar.

3. As per the prosecution story, the informant alleged that due to dispute of opening of shop, the accused (petitioners herein) who are own brother/nephew resorted to assault. While petitioner no. 1 gave hammer blow to him, the petitioner no. 2 attacked his son with a revolver butt, this caused injuries and FIR.

4. Learned Counsel for the petitioners submit that both



are brothers, minor scuffle took place, led to the FIR. Further, he has taken this Court to the injury reports to submit that all of them have been found to be simple in nature by a Government Hospital. Further, the 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 petitioner on its own would like to contribute towards the medical assistance of Rs. 10,000/- 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.

5. Learned APP for the State as also learned counsel for the informant have vehemently opposed the prayer submitting that being elder brother, he along with his family members resort to hamper the business of the informant and every day, blocks the movement of the purchasers causing only to ensure him financial loss.

6. Learned counsel for the petitioners submit that if the relief is granted and the petitioners are found to indulge in any criminal activity, the informant shall be free to take steps for cancellation of the bail bond.

7. Though allegation is there, the Government hospital has found all of them to be simple in nature, both the petitioners



do not have criminal antecedent, are family members and an undertaking has been given that they shall not indulge in any criminal activity in future failing which the informant shall be free to take steps for the cancellation of the bail bond, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 10,000/- to the informant as undertaken by the learned counsel for the petitioner 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.

7. 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 Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 592 of 2025 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 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 appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) 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;

(v) 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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