

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90559 of 2025

Arising Out of PS. Case No.-244 Year-2025 Thana- KASBA District- Purnia

1. Kavita Devi W/o Jiwan Bishwas R/O Vill.- Sadhuvaily, Ward no. 7, Banaili, P.S.- Kasba, Dist.- Purnea.
2. Jiwan Bishwas S/o late Gopal Vishwas R/O Vill.- Sadhuvaily, Ward no. 7, Banaili, P.S.- Kasba, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabindra Kumar Priyadarshi, Advocate
	:	Mr. Dheeraj Kumar, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-01-2026

Heard Mr. Rabindra Kumar Priyadarshi,

learned counsel for the petitioner and learned APP
representing the State.

2. The petitioners are apprehending their arrest in connection with Kaswa P.S. Case No. 244 of 2025 registered for the offence under Sections 126(2), 115(2), 117(2), 109 and 3(5) of the B.N.S., lodged on 26.08.2025 by the informant, Bambam Biswas.

3. As per the prosecution story, the informant alleged that on the minor issue of fencing, the accused resorted to assault/injuries both to him as also his wife, they were taken for treatment to Primary Health Centre, Kaswa



and then referred to Purnea. This led to the F.I.R.

4. Learned counsel for the petitioners submit that both the informant and petitioner no.2 are own brothers, minor scuffle took place, led to exaggerated F.I.R. Further, injuries have been found to be simple in nature save and except the index finger which got fractured. As the informant is own brother of the petitioner no.2, without accepting the allegation or outcome of the present petition, the petitioners intend to pay Rs.10,000/- to the informant towards treatment by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of bail bond.

5. Learned APP opposes the prayer submitting that index finger has been fractured.

6. An unfortunate incident has taken place, both the brothers have taken their dispute on individual side which resulted into the injuries/F.I.R.. These two petitioners have no criminal antecedents, one of them is a lady, an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.10,000/- to the informant as undertaken by the learned



counsel for the petitioners through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of the bail bond before the Court and the same shall be handed over to the informant after checking the credentials.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Kaswa P.S. Case No. 244 of 2025 subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) 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 his/her 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 bail bonds.

(Rajiv Roy, J)

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