

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.573 of 2026

Arising Out of PS. Case No.-299 Year-2025 Thana- PATEPUR District- Vaishali

1. Abishekh Kumar @ Bishekh Kumar @ Abishek Raj @ Abishek Rai @ Bishek Kumar S/o Ramudgar Rai Resident of Village- Bardiha Turki, P.S.- Patepur, District- Vaishali
2. Sukrit Rai S/o Kishore Rai Resident of Village- Bardiha Turki, P.S.- Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2026 Heard Mr. Aditya Pandey, learned counsel for the petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Patepur P.S. Case No. 299 of 2025 for the offence under sections 126(1), 115(2), 118(1), 74, 303(2), 109, 351(2), 352 and 3(5) of the BNS lodged on 10.09.2025 by the informant, Gautam Kumar.

3. As per the prosecution story, the informant alleged that he was constructing a shop for grocery business and used to visit the site daily. There exist another grocery shop belonging to the accused side who were unhappy with the said construction of the grocery shop and on the fateful day, after



abuse, the accused side assaulted. Allegation against Singheshwar Rai is of assaulting his brother Saurabh Kumar by a broken bottle while Mithlesh Kumar Rai gave knife blow on the head which actually hit his shoulder. Pinki Devi opposed the said assault when it is alleged that Lakhindar Rai assaulted her. Sukrit Rai (petitioner no. 2) assaulted the informant on his head and thereafter, allegation is of removing mobile set/chain which followed their shifting to the hospital. This led to the FIR.

4. Learned counsel for the petitioners has taken this Court to the learned Sessions Judge order to show that the injury inflicted by Sukrit Rai has been found to be simple in nature. Further, no direct allegation is against the petitioner no. 1, Abishekh Kumar. 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's side has alleged injuries, the petitioner no. 2, Sukrit Rai on its own would like to contribute Rs. 3,000/- towards the medical assistance of the informant through Demand Draft issued by the local State Bank of India/any Nationalized Bank branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that



allegation against Sukrit Rai if of giving '*lathi*' blow on the head of the informant.

6. Taking into account the submissions of the parties as also the materials on record, the injury has been found to be simple in nature so far as the same has been inflicted by Sukrit Rai and there is no direct allegation against the petitioner no. 1, Abishekh Kumar, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions subject to payment of Rs. 3,000/- by the petitioner no. 2, Sukrit Rai as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India branch/any Nationalized bank branch to be submitted to the Trial Court which 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 CJM, Vaishali, Hajipur in connection with Patepur P.S. Case No. 299 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 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 appear before the concerned police station every month for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(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 their bail bonds.

8. While passing the order, this Court has taken note of the fact that three Oath Commissioners, namely, Shri Ravi Ranjan, Ms. Pratibha Kumari Mishra and Ms. Vandana Kumari, ceased to function as Oath Commissioners with effect from



17.12.2025, 17.12.2025 and 18.12.2025 respectively. The cause list also reflects the names of the present Oath Commissioners. However, the affidavit in the present case has been sworn on 19.12.2025 through Ms. Pratibha Kumari Mishra.

9. Office is directed to submit show cause on the point as to why, despite the aforesaid Oath Commissioner having ceased to function, the defect was not pointed out in the present case.

10. List this case under the heading **“To Be Mentioned”** on **11.02.2026** for perusal of the report.

(Rajiv Roy, J)

Adnan/-

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