

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3041 of 2026

Arising Out of PS. Case No.-365 Year-2025 Thana- RAXAUL District- East Champaran

1. Baleshwar Thakur S/o- Brahmdev Thakur R/v- Raghauta Ps- Raxaul Dist- East Champaram
2. Rahul Thakur @ Rahul Kumar S/o- Baleshwar Thakur R/v- Raghauta Ps- Raxaul Dist- East Champaram
3. Shobha Devi W/o- Baleshwar Thakur R/v- Raghauta Ps- Raxaul Dist- East Champaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 28-01-2026 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, the instant application with regard to
petitioner no.1 is dismissed as withdrawn. However, if the
petitioner no.1 surrenders before the learned Court below within
a period of three 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.

5. Now, this application survives only with regard to petitioners no.2 and 3.

6. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 352, 351(2) and 3(5) of the B.N.S.

7. The allegation in the First Information Report is that all the accused persons came variously armed and engaged in abusing and assaulting the informant.

8. Learned counsel for the petitioners submits that the informant happens to be the nephew of petitioner no.2 and there is a dispute between the parties on account of common passage. It has been further submitted that so far as the petitioners no.2 and 3 are concerned, they are also family members who are the son and wife of petitioner no.1 and the allegation upon petitioner no. 2 is of assaulting on shoulder, while petitioner no.3 is alleged to have assaulted with fists and kicks. Learned counsel has submitted that the grievous injury suffered by the informant has been attributed to petitioner no.1, Baleshwar Thakur.

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



Information Report.

10. Taking into consideration the facts and circumstances and considering the fact that the dispute originates from a property dispute between the parties, who are *gotiyas* and no serious injuries have been attributed to petitioners no.2 and 3, let the above named petitioners no.2 and 3, be released on bail, in the event of their 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) each 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 Raxaul P.S. Case No. 365 of 2025, 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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