

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3511 of 2025

Arising Out of PS. Case No.-430 Year-2023 Thana- KALYANPUR District- East Champaran

Binod Rai Majhawal Rai Alias Sajawal Rai Shambhuchak, P.S. Kalyanpur,
District East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajesh Giri S/O Ram Narayan Giri R/O Vill.- Shambhuchak, P.S. -
Kalyanpur, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Kalyanpur P.S. Case No. 430 of 2023, lodged on 01.12.2023,
under Sections 147, 148, 149, 341, 342, 323, 324, 304, 302 &
120(B) of the Indian Penal Code and under Section 4/6 of the
POCSO Act.

3. As per the prosecution, F.I.R. has been lodged
against 13 named accused persons, including the present
petitioner. There is a specific allegation against the petitioner
that he assaulted the informant's father on the neck with a
garasa, and while attempting to save his neck, the informant's
father's palm was brutally injured. There is also a specific



allegation against the co-accused, Mukesh Rai, of assaulting the informant's cousin sister, aged about 14 years, with a *dab* (a weapon), as a result of which she died on the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the anticipatory bail application of the petitioner was rejected, and thereafter, he surrendered before the Trial Court. It is further submitted that there is no allegation against the petitioner of assaulting the minor cousin of the informant, the only allegation against him is that he assaulted the informant's father, and that too, there is only an allegation of causing injury. Counsel further submits that the petitioner has been in custody since 20.10.2024. However, it is also submitted that the criminal antecedent of the petitioner is not clean, as six criminal cases are pending against him.

5. Learned APP for the State opposes the prayer for bail but fairly submits that the deceased was assaulted by the accused Mukesh Rai, and not by the petitioner.

6. Upon the specific query of the Court as to whether the charge has been framed or not, counsel for the petitioner submits that the charge has already been framed in this case.

7. In the present facts and circumstances of this case



and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed** as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases which are pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of 7th A.D.J. cum Spl. Judge, POCSO Act, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No. 430 of 2023, subject to the following conditions as laid down under Section 480(3) of the BNSS.

8. Pending cases against the petitioner are as follows:-

- (i) Kalyanpur P.S. Case No. 122 of 2017
- (ii) Kalyanpur P.S. Case No. 130 of 2019
- (iii) Kalyanpur P.S. Case No. 291 of 2019
- (iv) Kalyanpur P.S. Case No. 135 of 2023
- (v) Kalyanpur P.S. Case No. 140 of 2023
- (vi) Kalyanpur P.S. Case No. 97 of 2017

(Dr. Anshuman, J.)

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