

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9609 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- NAYAGAON District- Begusarai

1. Birju Rai S/O Natho Rai Resident of Village- Dariyapur, Ward No. 04, PS- Nayagaon, District- Begusarai
2. Raj Kumar @ Raj Kumar Rai S/O Natho Rai Resident of Village- Dariyapur, Ward No. 04, PS- Nayagaon, District- Begusarai
3. Arjun Rai S/O Late Madho Rai Resident of Village- Dariyapur, Ward No. 04, PS- Nayagaon, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Binod Kumar, Advocate. Mr. Amar Kumar Singh, Advocate. Mr. Rahul Singh, Advocate.
For the State	:	Mr. Chandra Sen Pd. Singh, APP.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Nayagaon PS. Case No. 35 of 2024 dated 14.04.2024 registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 447, 427, 379, 324 and 307 of the Indian Penal Code.

3. As per allegation, the family member of the informant were assaulted by the accused persons including the petitioners by piece of bricks and *lathi*, causing simple injuries.

4. learned counsel for the petitioners submit that the



Petitioners are innocent and have falsely been implicated in this case. He further submits that the nature of allegation shows that the petitioners had no intention to commit attempt to murder. Moreover, there is counter case filed by the accused side against the informant side bearing Nayagaon P.S. Case No. 34 of 2024 registered for the offence under Section 307 of the Indian Penal Code and other allied Sections.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner No. 1 has been made accused in four cases out of them in two he has been acquitted and rest in two he is on bail, petitioner No. 2 has been made accused in two cases and in one he has been acquitted and in another he is on bail whereas petitioner No. 3 has been made accused in three cases, in which he is on bail.

7. learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Miss Ruby Kumari, learned Judicial Magistrate, 1st Class, Begusarai, in connection with Nayagaon P.S. Case No. PS. Case No35 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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