

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15403 of 2025

Arising Out of PS. Case No.-429 Year-2024 Thana- SURSAND District- Sitamarhi

1. Vimal Rai @ Vimal Kumar S/o- Late Chhatu Rai Village- Mathauna Tola Ward No.11 PS- Sursand Dist- Sitamarhi
2. Ajay Kumar S/o- Late Chhatu Rai Village- Mathauna Tola Ward No.11 PS- Sursand Dist- Sitamarhi
3. Hulas Rai @ Hukas Rai S/o- Late Sukdev Ray Village- Mathauna Tola Ward No.11 PS- Sursand Dist- Sitamarhi
4. Navin Kumar @ Navin Rai S/o- Vishwanath Ray Village- Mathauna Tola Ward No.11 PS- Sursand Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2025 Heard Mr. Hans Lal Kumar, learned counsel for the petitioners and Md. Fahimuddin, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sursand P.S. Case No. 429 of 2024, F.I.R. dated 11.09.2024 for the offences punishable under Sections 127(1), 115(2), 118(1), 109, 303(2), 76, 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, due to some land dispute all the accused persons including these petitioners have



assaulted the informan and his family members due to which the informant and his family members have sustained injuries.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. There is case and counter case between the parties. He further submits that there is specific allegation against these petitioners that they have assaulted the informant side. He further submits that from perusal of the F.I.R it appears that the specific allegation of assault is against the petitioner no. 1, namely, Vimal Rai @ Vimal Kumar that he has assaulted to one Madan Kumar who happens to be the brother of the informant and he has received total three injuries out of which one injury is simple in nature and two injuries are grievous in nature but the same are on the hand of Madan Kumar which is not the vital part of the body.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is case and counter case and the injuries received the injured persons are simple in nature except the injury received by Madan Kumar and the same is not on the vital part of the body, let the



petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sitamarhi in connection with Sursand P.S. Case No. 429 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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