

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10932 of 2025

Arising Out of PS. Case No.-354 Year-2024 Thana- MOTIPUR District- Muzaffarpur

Musafir Rai @ Musaphir Ray Son of Ram Chandra Ray Resident of Village -
Morsandi, Police Station - Malipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 15-11-2025 Heard Mr. Mazharul Hassan, learned counsel for
the petitioner and Mr. Satyendra Prasad, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Motipur P.S. Case No. 354 of 2024, F.I.R. dated 01.10.2024 for the offences punishable under Sections 191(2), 191(3), 190, 127(2), 115(2), 132, 109, 61(2) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, the informant alleged that when he went to the house of one Rakesh Kumar Yadav for investigation of one case, the petitioner along with other co-accused persons started assaulting him by means of lathi, danda and bricks.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. It appears from the FIR that the allegation against the petitioner is that he has caught hold the informant and one co-accused, Ashok Rai has assaulted the informant by means of bricks. He further submits that as per the FIR there is no allegation against the petitioner that he has assaulted to anyone and similarly situated co-accused persons, namely, Sanjit Kumar @ Sanjit Ray @ Sanjeet Ray, Ashok Kumar @ Ashok Ray, Ram Chandra Ray, Chunchun Rai @ Chunchun Ray, Shambhu Rai @ Shambhu Ray, Subodh Rai @ Subodh Ray, Manoj Kumar have been granted the privilege of anticipatory bail co-ordinate Benches of this Court vide order dated 09.05.2025, 26.03.2025, 19.05.2025 in Cr. Misc. No. 5663 of 2025, Cr. Misc. No. 17702 of 2025 and Cr. Misc. No. 26956 of 2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that there is direct and specific allegation against the petitioner that he has caught hold of the informant and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that he is on bail in the pending matter.



6. Considering the aforesaid facts and circumstances, similarly situated co-accused persons have been granted the privilege of anticipatory bail by co-ordinate Benches of this Court and there is no allegation of assault against the petitioner, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st (West), Muzaffarpur in connection with Motipur P.S. Case No. 354 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. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond 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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