

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20024 of 2025**

Arising Out of PS. Case No.-224 Year-2024 Thana- BENIPATTI District- Madhubani

1. Basuki Jha @ Basuki Nath Jha son of Late Indra Kant Jha Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani
2. Raushan Jha son of Basuki Nath Jha @ Basuki Jha Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani
3. Vicky Kumar @ Adiya Kumar son of Kanhaiyak Jha @ Kanhaiya Jha Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani
4. Bablu Yadav @ Bablu Kumar Yadav Son of Uttam Yadav Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani
5. Ravi Kumar Son of Lala Das Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani
6. Rishi Jha @ Rishi Kumar Jha Son of Kripa Nath Jha @ Bachu Jha Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani
7. Jamuna Sah @ Jamun Sah son of Laxmi Sah Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani
8. Pappu Sah @ Khotu Son of Bikau sah @ Toto Sah Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani
9. Naresh Ram Son of Late Jai Lal Ram Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani
10. Dhaneshwar Roy @ Dhaneshwar Raut Son of Raudi Raut Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani
11. Guddu Kumar Sah Son of Upendra Prasad Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani
12. Deepan Raut @ Deepan Roy Son of Biltu Raut @ Biltu Roy Resident of Village- Basaitha, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shashi Kant, Advocate  
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      24-04-2025

Heard Mr. Shashi Kant, learned counsel for the  
  
petitioners and Mr. Nawal Kishore Prasad, learned Additional



Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Benipatti P.S. Case No. 224 of 2024, F.I.R. dated 26.09.2024 for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 127(2), 115(2), 118(1), 109, 110, 132, 74, 121(1), 121(2), 125, 324(4), 324(5), 61(2), 352, 351(2), 351(3) and 3(5) of the Bhartiya Nyaya Sanhita.

3. According to prosecution case, these petitioners along with other accused persons have attacked and pelted stones upon the police personnel and also damaged their vehicles due to which some of the police officials received injury and also misbehaved with the female police personnel.

4. Learned counsel for the petitioners submits that petitioner nos. 3 to 11 have clean antecedent, petitioner no. 1 carries six criminal antecedents, petitioner no. 2 carries two criminal antecedents and petitioner no. 12 carries two criminal antecedents other than the present one and they are on bail in the pending matter. He further submits that as per the allegation in the F.I.R, these petitioners along with other accused persons have assaulted to the police officials and also damaged their vehicle and some of the personnel have susutained injuries. He further submits that the allegation as alleged in the F.I.R. is false



and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. There is no specific allegation of assault or damage of vehicle against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and apart from that it appears from the F.I.R that the date of occurrence is 18.09.2024 but the present F.I.R has been instituted on 26.09.2024 i.e., after delay of about 8 days without giving any explanation of the said delay only to falsely implicate these petitioners along with other accused persons.

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

6. Considering the aforesaid facts and circumstances that the petitioner nos. 3 to 11 have clean antecedent and there is no specific allegation against these petitioners, 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 Additional Chief Judicial Magistrate, Benipatti in connection with Benipatti P.S. Case No. 224 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)**

Vanisha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

