

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19621 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- RAGHOPUR District- Vaishali

1. Mahesh Rai S/o Baleshwar Rai R/o vill - Saidabad, P.S.- Raghapur, Distt.- Vaishali
2. Baleshwar Rai S/o Late Ramchandra Rai R/o vill - Saidabad, P.S.- Raghapur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 09-04-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Raghapur P.S. Case No. 97 of 2024 instituted for the offences under Sections 341, 323, 324, 325, 354(B), 379, 504, 506, 34 of the Indian Penal Code and, later on, added Section 307 of the Indian Penal Code.

3. As per prosecution case, on the alleged day of occurrence, the accused persons including the petitioners entered into the Informant's house and assaulted the Informant and his brother by means of *farsa*, iron rods and



lathi. It is also alleged that the accused persons also caught hold of the Informant's niece Mamta Kumari, aged about 14 years of age, and tried to press her neck. They also tore her clothes leaving her disrobed. It is also alleged that Baleshwar Rai and Mahesh Rai also removed gold-silver jewellery items and cash amounting Rs. 17,000/-.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case due to land dispute between the parties. The petitioners have not committed any offence as alleged in the F.I.R. The present case is a counter-blast of Raghapur P.S. Case No. 82 of 2024 lodged by the Aunt of the petitioner no.1 against the present Informant and others. The petitioners have not committed alleged offence. Learned counsel for the petitioners submits that there is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. Both the parties are Gotiya. The petitioners have one criminal antecedent each in which both of them are on bail and are languishing in judicial



custody since 30.01.2025 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is serious in nature. He further submits that there is direct allegation of assault against the petitioners. The injury report supports the prosecution case. The petitioners are named in the F.I.R. and, hence, they do not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the period of custody undergone by the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Raghupur P.S. Case No. 97 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.



(ii) The petitioners shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

