

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24648 of 2025

Arising Out of PS. Case No.-60 Year-2024 Thana- Kashnagar District- Saharsa

1. Yogendra Kumar Rajak S/O Late Dharamlal Rajak R/O Village- Kopa, Ward No. 12, P.S- Kashanagar, Distt.- Saharsa.
2. Ravi Kumar S/O Sri Yogendra Kumar Rajak R/O Village- Kopa, Ward No. 12, P.S- Kashanagar, Distt.- Saharsa.
3. Rohit Kumar S/O Sri Yogendra Kumar Rajak R/O Village- Kopa, Ward No. 12, P.S- Kashanagar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Anand
For the Opposite Party/s : Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-05-2025 Heard the parties.

2. At the outset, learned Advocate for the petitioners submits at the Bar that during the pendency of the bail application, the petitioner no 2 got arrested and, as such, he is not pressing the bail application on behalf of petitioner no. 2.

3. The petitioners apprehend their arrest in connection with Kashnagar P.S. Case No. 60 of 2024, registered for the offences punishable under Sections 191(2), 191(3), 190, 127(1), 115(2), 109, 303(2), 324(4), 324(5), 351(2), 352, 3(5) of the BNS, 2023 and 25(1-B)a, 26, 27 of the Arms Act.

4. As per the prosecution case, the informant is the



present PACS Chairman of Kopa PACS; on 14.12.2024, all the FIR named accused persons, including the petitioners, entered in the house of the informant and started abusing and assaulting. It is specifically alleged that the petitioner no. 3 fired upon the informant and the bullet pierced through his finger. The accused persons, including the petitioners, also ransacked the shop and house of the informant. Upon the information, when the police arrived at the place of occurrence, noticing the police party, the petitioners and others succeeded in fleeing away. From the place of occurrence, four live cartridges and one empty cartridge and magazine were recovered.

5. Learned Advocate for the petitioners primarily contended that in fact there is a long standing dispute on account of PACS election running between the parties. Prior to institution of the present case, the younger brother of the informant, who was the then PACS Chairman of Kopa PACS, had filed Kashnagar P.S. Case No. 50 of 2024. Subsequent thereto, in the next election when the brother of the petitioner no. 1 and uncle of petitioner nos. 2 and 3 contested the election against the informant, further dispute has arisen leading to institution of the present FIR. However, in the said election, the brother of petitioner no. 1 was defeated at the hands of the



informant. Referring to the injury report, learned Advocate for the petitioners contended that the entire prosecution case falls to the ground for the simple reason that no bullet injury was found over the finger of the informant, rather the injury report suggests that it was simple in nature caused by hard and blunt substance. The wife of petitioner no. 1 suspecting the false implication of the petitioner in the case in hand wrote several letters to the Superintendent of Police, Saharsa for fair investigation and to exonerate the persons, who was/were not indulged in the crime. Criminal antecedent as has been mentioned in paragraph-3 against the petitioners are the off shoot of the enmity between the parties; moreover the petitioners undertake that they will fully cooperate in the investigation and the proceeding of the court and shall not indulge in the crime in future.

6. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that apart from the criminal antecedent of the petitioners, they have ransacked the house and shop of the informant and also brutally assaulted him.

7. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the injury report which prima facie falsifies the case,



coupled with the long standing enmity on account of PACS election between the parties and the undertaking before this Court, let the petitioner nos. 1 and 3 be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM 1st Class, Saharsa in connection with Kashnagar P.S. Case No. 60 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner nos. 1 and 3.

(Harish Kumar, J)

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