

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24119 of 2025

Arising Out of PS. Case No.-184 Year-2024 Thana- KHARIK District- Bhagalpur

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1. Vibhash Ray S/o Brahmadev Ray @ Tipan Ray R/o Village- Mirjafari, P.S.- Kharik, Distt.- Bhagalpur
 2. Kapildev Ray S/o Brahmadev Ray @ Tipan Ray R/o Village- Mirjafari, P.S.- Kharik, Distt.- Bhagalpur
 3. Ashok Ray S/o Brahmadev Ray @ Tipan Ray R/o Village- Mirjafari, P.S.- Kharik, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prabhat
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-05-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Kharik P.S. Case No. 184 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 74, 303(2) 352, 351(2) and 3(5) of the BNS, 2023.

3. Based upon the written report, the prosecution alleges that while the informant was at his shop, in the meantime, petitioner no. 1 came at his shop and asked for tea and snacks on credit. When the informant refused, the petitioner no. 1 along with other accused persons brutally assaulted him. In the meantime, when the family members of the informant came to his rescue, they were also assaulted. It is specifically alleged that the petitioner no. 1 gave an axe blow over the head of the informant. Other accused persons have also assaulted and



misbehaved with the wife and son of the informant.

4. Learned Advocate for the petitioners taking this Court through the FIR and the impugned order has contended that so far the allegation against petitioner no. 1 of causing axe blow over the head of the informant is concerned, injury has been found to be simple in nature; so far the injuries sustained to the wife and son of the informant are concerned, the wife sustained grievous injury over her leg, whereas opinion with regard to the injury sustained to the son of the informant is still kept reserved. However, these are not attributed to the petitioners, rather omnibus nature of allegation has been levelled. It is further contended that in fact prior to institution of the present case, the wife of petitioner no. 1 has instituted Kharik P.S. Case No. 183 of 2024 on 16.08.2024, which is on earlier point of time. Learned Advocate further contended that the alleged occurrence took place on 14.08.2024 and the present FIR has been instituted on 16.08.2024 without any explanation of delay. The dispute took place over a trifle and the petitioners are not the persons having criminal antecedent. In fact, on the alleged date of occurrence, both the parties have entered into a scuffle which resulted into injuries to persons of both the sides and the petitioners undertake before this Court that they



will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that in the scuffle between the two parties, two of the persons of the informant’s side have sustained grievous injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of the case and counter case, coupled with the delay in lodging of the FIR and the fair antecedent of the petitioners; moreover the grievous injury has not been specifically attributed against any one, let the petitioners abovenamed 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.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-1, Naugachia (Bhagalpur) in connection with Kharik P.S. Case No. 184 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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