

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23944 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- HAJIPUR SADAR District- Vaishali

1. Vinay Kumar @ Chintu S/O Arjun Rai R/O Village- Gardaniya Chowk, P.S- Hajipur Nagar, Distt.- Vaishali.
2. Vipin Ray @ Vipin Kumar S/O Shinath Ray @ Shivnath Prasad R/O Village- Gardaniya Chowk, P.S- Hajipur Nagar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27482 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- HAJIPUR SADAR District- Vaishali

Subodh Roy @ Subodh Kumar S/O Hulash Ray Resident of village- Jadua Gardaniya Chowk, P.S.- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23944 of 2025)

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

For the State : Mr. Syed Mojibur Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 27482 of 2025)

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the State : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2025 Heard Mr. Krishna Prabhat and Mr. Manish Chandra Gandhi, learned counsels for the petitioners as well as Mr. Syed Mojibur Rahman and Mr. Madhura Nand Jha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in



connection with Sadar (Hajipur) P.S. Case No. 108 of 2025, F.I.R. dated 12.02.2025 for the offences punishable under Sections 191(2)/ 191(3) /190/ 126(2)/ 115(2)/ 121(1)/ 74/ 109/ 324(4)/ 324(5)/ 352 of BNS and Section 27 of the Arms Act.

3. According to prosecution case, all FIR named accused persons along with the petitioners armed with lathi, rods and other weapons surrounded the police personnel and assaulted them. It is further alleged that one co-accused namely, Chiku Rai, fired a gunshot, misbehaved with police officers and all accused persons damaged the police vehicle.

4. Learned counsel for the petitioners submits that petitioners namely, Vinay Kumar @ Chintu and Vipin Ray @ Vipin Kumar have no criminal antecedent and petitioner namely Subodh Roy @ Subodh Kumar has two criminal antecedent other than the present one and they have falsely been implicated in the present case. It is further submitted that petitioner namely, Subodh Roy @ Subodh Kumar is not named in the FIR. 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. He further submits that from perusal of the F.I.R it appears the FIR is in two parts. In first part, there is general and omnibus allegation against all the accused persons including these petitioners and in second part, there is specific allegation of assault



and firing against the co-accused person, namely, Chiku Rai. No other material has come during investigation which suggest the involvement of the petitioners in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that petitioner, namely, Subodh Roy @ Subodh Kumar has two criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances that petitioners namely, Vinay Kumar @ Chintu and Vipin Ray @ Vipin Kumar have no criminal antecedent and there is no specific allegation of assault or overt act rather there is general and omnibus allegation against all the accused persons including the 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 C.J.M. Vaishali at Hajipur in connection with Sadar (Hajipur) P.S. Case No. 108 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482 (2) of the BNSS, 2023 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)

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