

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25180 of 2025

Arising Out of PS. Case No.-429 Year-2024 Thana- MANER District- Patna

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1. Ashok Rai @ Ashok Kumar son of Late Brijnandan Rai village- Dost Nagar Ply Factory Ps-Maner, Dist- Patna
 2. Dhiraj Rai @ Dhiraj Kumar son of Umesh Rai village- Dost Nagar Ply Factory Ps-Maner, Dist- Patna
 3. Krishna Rai Son of Late Jadu Rai village- Dost Nagar Ply Factory Ps-Maner, Dist- Patna
 4. Umesh Rai Son of Shri Ram Ballabh Rai village- Dost Nagar Ply Factory Ps-Maner, Dist- Patna
 5. Ajit Rai @ Ajit Kumar Son of Late Brijnandan Rai village- Dost Nagar Ply Factory Ps-Maner, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-07-2025 Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Tapeswar Sharma, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Maner P.S. Case No.429 of 2024, F.I.R. dated 05.07.2020 for the offences punishable under Sections 115(2), 126(2), 109, 74, 303(2), 352, 351(2) & 3(5) of Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant



alleged that on 29.06.2024 all the FIR named accused persons armed with lathi, rod, pistol and sword came to his house and assaulted him and when his mother came to rescue him, the accused persons assaulted her also.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the petitioners and informant are agnates to each other and from bare perusal of the FIR it appears that the FIR is in two parts. In the first part, there is specific allegation of assault against Chhatis Rai and in the second part there is allegation against the petitioners that they assaulted the informant and his family members but there is no specific allegation of assault or overt act attributed against the petitioners rather the allegation levelled against them are general and omnibus and there is case and counter case between the parties.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and apart from that they have assaulted the informant and his family members He further submits that petitioner nos. 2,4 &5 have clean antecedent and petitioner nos.1 & 3 have one criminal



antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner nos.1 & 3 are on bail in the said matter.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or overt act attributed against the petitioners and there is case and counter case between the parties 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 Judicial Magistrate 1st Class, Danapur in connection with Maner P.S. Case No.429 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)

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