

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34355 of 2025

Arising Out of PS. Case No.-739 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Raja Kumar @ Randheer Kumar S/O Chandeshwar Rai R/O Village-
Mustafapur, P.S-Ahiyapur, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-06-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 739 of 2024, lodged on 05.06.2024, under Sections 147, 148, 149, 341, 323, 307, 302, 447, 504 & 506 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against seven named and one unknown accused persons, including the present petitioner, with the allegation that the petitioner assaulted the informant's husband with an iron rod, causing injury to his head. Further, there are specific allegations against other accused, namely Uday Rai and Bhutta Rai, for assaulting the informant's son with an iron rod, who



subsequently died during treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that in the present FIR, in which he is seeking bail, there is no allegation against the petitioner that he assaulted the deceased, rather, the allegation is that the petitioner assaulted the father of the deceased. Counsel further submits that the petitioner has been in custody since 13.12.2024 and has a clean criminal antecedent. It is also submitted that two FIRs were lodged for the same date and place of occurrence. The first FIR was lodged by the mother of the deceased bearing Ahiyapur P.S. Case No. 739 of 2024, and the second FIR was lodged by the wife of the deceased bearing Ahiyapur P.S. Case No. 863 of 2024, which, during investigation, was found to be a mistake of law and the Investigating Officer has submitted the final report in that case. Counsel further submits that in the present FIR, there is no allegation against the petitioner for assaulting the informant's son, therefore, he prays for regular bail for the petitioner.

5. Learned APP for the State vehemently opposes the prayer for bail and submits that the petitioner's pleadings are incorrect, as the petitioner himself has stated in his petition that



another case, namely Ahiyapur P.S. Case No. 863 of 2024, has been registered against him. Therefore, learned APP submits that there is suppression of material facts by the petitioner.

6. After hearing the parties, it transpires to this Court that two criminal cases were filed against the petitioner for the same date and place of occurrence, namely Ahiyapur P.S. Case No. 739 of 2024 lodged by the mother of the deceased, and Ahiyapur P.S. Case No. 863 of 2024 lodged by the wife of the deceased. The latter FIR was found, during investigation, to be a mistake of law and the Investigating Officer has submitted the final report accordingly. This fact has been categorically discussed by the Sessions Court in its order, as well as acknowledged by the petitioner. Therefore, the contention of the learned APP that there has been suppression of facts is not acceptable to this Court.

7. In the present facts and circumstances of the case, and in light of the allegations made in the FIR in which the petitioner seeks bail, there is no whisper of any allegation that the petitioner assaulted the deceased. Therefore, the petitioner above named is hereby granted bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of



C.J.M., Muzaffarpur, in connection with Ahiyapur P.S. Case
No. 739 of 2024, subject to the following conditions as laid
down under Section 480(3) of the BNSS.

(Dr. Anshuman, J.)

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