

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30622 of 2025

Arising Out of PS. Case No.-14 Year-2025 Thana- BISHANPUR District- Darbhanga

1. Omprakash Singh S/o Ram Singhasan Singh R/o Village- Gorhiyari, P.S.- Bishanpur, District- Darbhanga
2. Rajneesh Kumar Singh @ Aman Kumar @ Aman Singh S/o Ratneshwar Singh R/o Village- Gorhiyari, P.S.- Bishanpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate
	:	Mr. Pranav Kumar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP
For the Informant	:	Mr. Jagannath Singh, Advocate
	:	Mr. Deepak Kumar, Advocate
	:	Mr. Padmanabh Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-07-2025 Heard Mr. Y.V. Giri, learned senior counsel for the petitioners, Mr. Jagannath Singh, learned counsel for the Informant and Mr. Satyendra Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bishanpur P.S. Case No. 14 of 2025, F.I.R. dated 27.01.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352, 351(2), 3(5) of the Bharatiya Nyay Sanhita and later on Section 103(1) of Bharatiya Nyay Sanhita was added.

3. According to prosecution case, the informant



alleged that on 23.01.2025 at around 09:00 PM, when the informant was going to recharge his mobile, on the way the petitioners along with other accused persons surrounded him and tried to kill the informant by throwing him from the bridge. The informant somehow managed to escape and narrated the entire incident to his father. Thereafter informant's father and his family members went to the house of the petitioners, where the petitioners assaulted the father of the informant by means of iron rod and hammer due to which he got injured.

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 informant and petitioners are agnates to each other and due to admitted land dispute the present occurrence has taken place and petitioners have falsely been implicated in the present case. A partition suit no.70 of 2019 is pending before Sub-Judge-I, Darbhanga between the parties and there is case and counter case also. It appears from the FIR that the allegation against petitioner no.1, namely, is that he assaulted to the father of the informant by stick (*lathi*) and petitioner no.2 that he assaulted the father of the informant with the butt of the pistol. It appears from the FIR that main allegation of assault is made against the co-accused,



namely, Ratneshwar Singh and there are several criminal cases pending between both the parties which suggest that there is long standing enmity between the parties. It appears from the FIR itself that informant and his family members are the aggressors and they have entered in the house of the petitioners and started abusing the petitioners. The informant has falsely implicated the petitioners in the present case due to previous enmity.

5. The learned Additional Public Prosecutor and learned counsel for the Informant on the basis of materials available on record and case diary have vehemently opposed the prayer of bail of petitioners and submits that the petitioners are named in the FIR and it appears from the FIR itself that the petitioner no.1 assaulted the father of the informant by stick and petitioner no.2 assaulted the father of the informant with the butt of the pistol. He further submits that petitioner no.1 carries five criminal antecedents out of which in 1st case, petitioner no.1 has been acquitted and in 2nd and 3rd case, he is on bail and in 4th case, police has submitted final report and petitioner no.1 has not been sent for trial and in 5th fifth case, petitioner no.1 was convicted on 01.02.2019 but released from custody on same day after due admonition from court. He further submits that



petitioner no.2 carries two criminal antecedents and in both cases police has submitted final report and the petitioner no.2 has not been sent for trial.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault against these petitioners and specific allegation of assault is against co-accused person, namely, Ratneshwar Singh and there is case and counter case between the parties and there is also land dispute between the parties for which one Title Suit is pending 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. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Bishanpur P.S. Case No. 14 of 2025, 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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