

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32016 of 2025

Arising Out of PS. Case No.-227 Year-2024 Thana- Mufassil District- Purnia

Vishal Kumar Son of Sri Mahanand Ray Resident of village - Singal Tola,
Khuskibagh, P.S.- Sadar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 21-05-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Mufassil P.S. Case No. 227 of 2024, registered for the offences
punishable under Sections 191(2), 191(3), 190, 126(2), 351(2),
118(2), 115(2), 118(1), 117(2), 109 and 103(1) of Bharatiya
Nyaya Sanhita, 2023. Petitioner has clean antecedent.

3. The prosecution case is to the effect that the
informant in her written report stating therein that while the
children of the family members were playing on the rooftop of
one Subodh Singh, the petitioner along with other named co-
accused and four unknown persons came to the house of the
informant armed with deadly weapons. It is alleged that the
husband of the informant, namely, Dinesh Sahani was assaulted



by lathi, danda. It has been stated that the husband of the informant was taken to the hospital and during the course of treatment, he succumbed to the injuries.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and from mere perusal of the FIR it would be evident that there is general and omnibus allegation against all the accused persons. It has further been submitted that the falsity of the prosecution case as far as the implication of the petitioner in the present case is concerned, would be proved from the fact that police after investigation found the case not true against the petitioner and a final form was submitted. The learned counsel further submits that however despite such submission of final form, the learned court below on its own has taken cognizance of the offences against the petitioner. The learned counsel submits that during the course of investigation, no material has come to connect the petitioner with the said incident. It has lastly been submitted that the petitioner has clean antecedent and he is in custody since 18.11.2024.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that the petitioner is a named accused and there is specific allegation upon the



petitioner to have assaulted the husband of the informant who died during the course of treatment.

6. Considering the aforesaid submissions made by the respective parties and taking into account that the police after investigation had found the case false against the petitioner and there was no evidence collected against the petitioner and also taking into account the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Chief Judicial Magistrate, Purnea, in connection with Mufassil P.S. Case No. 227 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.



(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Sourendra Pandey, J)

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