

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33883 of 2025

Arising Out of PS. Case No.-516 Year-2023 Thana- MADHUBAN District- East Champaran

1. Vinay Rai @ Vinay Kumar Yadav, S/O Harivansh Rai, Resident of village- Kauriya Yadav Tola, P.S- Madhuban, District- East Champaran.
2. Chandrika Rai @ Chandrika Prasad Yadav, S/O Harivansh Rai, Resident of village- Kauriya Yadav Tola, P.S- Madhuban, District- East Champaran.
3. Amit Kumar, S/O Chandrika Rai, Resident of village- Kauriya Yadav Tola, P.S- Madhuban, District- East Champaran.
4. Nishant Kumar, S/O Vinay Rai @ Vinay Kumar Yadav, Resident of village- Kauriya Yadav Tola, P.S- Madhuban, District- East Champaran.
5. Sushant Kumar, S/O Vinay Rai @ Vinay Kumar Yadav, Resident of village- Kauriya Yadav Tola, P.S- Madhuban, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Abhishek Kumar, Advocate
For the State : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 20-08-2025 At the outset, learned Counsel for the Petitioners informs this Court that Petitioner No.2, Chandrika Rai @ Chandrika Prasad Yadav has been arrested, and hence, the petition on his behalf becomes infructuous.

2. Hence, learned counsel for the Petitioners is seeking permission to withdraw the petition on behalf of the Petitioner No.2, Chandrika Rai @ Chandrika Prasad Yadav.

3. Permission is accorded.

4. Accordingly, the application of Petitioner No.2, Chandrika Rai @ Chandrika Prasad Yadav is dismissed as withdrawn.

5. Heard learned counsel for the petitioners and



learned APP for the State.

6. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Madhuban PS. Case No.-516 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 448, 447, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

7. As per allegation, the co-accused, Chandra Kishore Rai and Shivam Kumar stabbed the victim, Vikas Kumar in his stomach by a *chhura*, whereas the co-accused, Birendra Rai, Mahesh Rai and Kaushal Rai assaulted Rupesh Kumar on his head, making him unconscious. As per further allegation, the accused, Abhishek Kumar, Binay Rai and Chandrika Rai assaulted Shakuntala Devi by spear, causing cut injury on her head and making her unconscious and the accused, Amit Kumar, Sushant Kumar, Nishant Kumar have assaulted the informant and stole Rs.20,000/- from the house of the Informant.

8. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that as per the case diary, injury is cause only to Vikas Kumar, and hence, the allegation against the Petitioners is not corroborated by any injury report and the case



diary. He further submits that there is always tendency to falsely implicate the family members. As a matter of fact, on account of land dispute, there was altercation, in which both the sides got injury leading to case and counter case. The counter case filed by the Petitioner is Madhuban P.S. Case No.518 of 2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 448, 447, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

9. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

10. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

11. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

12. Considering the case-counter case and non-corroboration of allegation against the Petitioner by case diary and injury report, **this petition is allowed**, directing the petitioners above-named, except the **Petitioner No.2, Chandrika Rai @ Chandrika Prasad Yadav**, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt /



production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Madhuban PS. Case No.-516 of 2023, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

Chandan/-

U		T	
---	--	---	--

