

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33628 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- ROHTAS District- Rohtas

1. Niwas Kumar Patel @ Nivas Kumar Patel S/o- Dilip Singh Village- Uchailla PS- Rohtas, Dist- Rohtas
2. Ranjan Patel @ Ranjan Kumar S/o- Umesh Singh Village- Uchailla PS- Rohtas, Dist- Rohtas
3. Raja Patel @ Raj Kumar Singh S/o- Suresh Kumar Singh @ Suresh Singh Village- Uchailla PS- Rohtas, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35841 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- ROHTAS District- Rohtas

Suresh Singh S/o Late Ram Lakhan Singh R/o Village- Basakatiya, PS- Rohtas, Distt.- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33628 of 2025)

For the Petitioner/s : Ms. Swati Parmar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 35841 of 2025)

For the Petitioner/s : Ms. Swati Parmar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-07-2025 Heard Ms. Swati Parmar, learned counsel for the

petitioners, Mr. Mithilesh Kumar Khare, learned Additional

Public Prosecutor for the State in Cr. Misc. No. 33628 of 2025

and Mr. Rabindra Kumar, learned Additional Public Prosecutor



for the State in Cr. Misc. No. 35841 of 2025.

2. Learned counsel for the petitioners seek permission to withdraw this application with respect to petitioner no. 1, namely, Niwas Kumar Patel @ Nivas Kumar Patel in Cr. Misc. No. 33628 of 2025.

3. Permission is accorded.

4. This application is dismissed as withdrawn with respect to petitioner no. 1, namely, Niwas Kumar Patel @ Nivas Kumar Patel in Cr. Misc. No. 33628 of 2025.

5. The petitioner nos. 2 and 3 in Cr. Misc. No. 33628 of 2025 and petitioner, namely, Suresh Singh in Cr. Misc. No. 35841 of 2025 are apprehending their arrest in connection with Rohtas P.S. Case No. 46 of 2025, F.I.R. dated 17.03.2025 for the offences punishable under Sections 115(2), 126(2), 117(2), 109, 303(2), 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

6. According to prosecution case, on 14.03.2025 at about 12:30 P.M., during the Holi festival, the informant reached his village Baskatiya, seven accused persons including the petitioners allegedly stopped the informant's vehicle. When the informant objected, the accused persons abused and assaulted him.



7. Learned counsel for the petitioners submits that petitioners namely, Ranjan Patel @ Ranjan Kumar and Raja Patel @ Raj Kumar Singh carry one more case other than the present one and petitioner namely, Suresh Singh has clean antecedent and they have falsely been implicated in this case and the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. It appears from the F.I.R. itself that specific allegation of assault is attributed against co-accused persons namely, Niwas Kumar Patel, Jitendra Kumar @ Jitan Sah and Abhay Kumar and there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against these petitioners and the petitioners at best the members of the mob.

8. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts, there is no specific allegation of any assault or overt act attributed against these petitioners, let the petitioner nos. 2 and 3 namely, Ranjan Patel @ Ranjan Kumar and Raja Patel @ Raj Kumar Singh in Cr. Misc. No. 33628 of 2025 and petitioner namely, Suresh Singh in Cr. Misc. No. 35841 of 2025, in the event of their 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, Rohtas at Sasaram in connection with Rohtas P.S. Case No. 46 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. Petitioner nos. 2 and 3 in Cr. Misc. No. 33628 of 2025 and petitioner, namely, Suresh Singh in Cr. Misc. No. 35841 of 2025 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 petitioner nos. 2 and 3 in Cr. Misc. No. 33628 of 2025 and petitioner, namely, Suresh Singh in Cr. Misc. No. 35841 of 2025 tamper 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 petitioner nos. 2 and 3 in Cr. Misc. No. 33628 of 2025 and petitioner, namely, Suresh Singh in Cr. Misc. No. 35841 of 2025 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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