

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36420 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- PATAHI District- East Champaran

1. Akhand Jyoti @ Satyam Kumar @ Satyam S/o Chitranjan Singh @ Lalan Singh R/o Vill- Jihuli, P.S.- Patahi Distt. East Champaran
2. Ram Vinay Singh @ Ramvinay Kumar Singh S/o Late Jagarnath Singh R/o Vill- Jihuli, P.S.- Patahi Distt. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prince Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP
For the Informant	:	Mr. Dhandev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-06-2025 Heard Mr. Prince Kumar Mishra, learned counsel for the petitioners, Mr. Dhandev Kumar, learned counsel appearing on behalf of the informant as well as Mr. Yogendra Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Patahi P.S. Case No. 02 of 2025, F.I.R. dated 02.01.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. According to prosecution case, both these petitioners along with another accused persons armed with



weapon abused and assaulted the informant and Mukhiya Ji. It is further alleged that the co-accused Sunil Singh fired a shot at Mukhiya Ji and petitioner no. 2 along with other accused person assaulted the informant due to which he received injuries.

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 although the petitioners are named in the F.I.R but from perusal of the F.I.R it appears that there is no specific allegation against the petitioners rather there is general and omnibus allegation against them and the specific allegation of firing is attributed against the co-accused, Sunil Singh @ Lankesh. He further submits that although there is specific allegation against the petitioner no. 2 that he has assaulted to the informant by means of *farsa* due to which the informant received injury but the injury is not on the vital part of the body. There is case and counter case between the parties.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and apart from that the petitioner no. 1 carries six criminal antecedents other than the present one out of which the police have



submitted final form in two cases and the petitioner no. 2 carries four criminal antecedents other than the present one out of which he is acquitted in two cases.

6. Considering the aforesaid facts and circumstances that the specific allegation of firing is against the co-accused, Sunil Singh @ Lankesh and injury received by the informant is not on the vital part of the body, 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. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, East Champaran, Motihari in connection with Patahi P.S. Case No. 02 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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