

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35669 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- KURSAILA District- Katihar

1. Bijay Sah S/O Late Bhola Sah R/O -Kursela, Ward no 5, PS- Kursela, Distt- Katihar
2. Prakash Sah S/O Late Bhola Sah R/O -Kursela, Ward no 5, PS- Kursela, Distt- Katihar
3. Ravi Kumar S/O Bijay Sah R/O -Kursela, Ward no 5, PS- Kursela, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2025 Heard Mr. Sanjeev Kumar Singh, learned counsel for the petitioners and Mr. Mohammed Arif, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kursela P.S. Case No. 26 of 2025, F.I.R. dated 01.02.2025 for the offences punishable under Sections 121, 121(1), 122, 126(2), 115(2), 109, 352, 351(2) of the B.N.S., 2023.

3. According to prosecution case, when the informant was cutting the branches of a tree, which was obstructing his home then all the accused persons came to the informant's house and started to assault him and his family



members.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that due to petty dispute, the present occurrence has been taken place, there is case and counter case. He further submits that although the informant received injury but the injury report of the informant suggests that the injury is simple in nature.

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

6. Considering the aforesaid facts and circumstances, 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 C.J.M., Katihar in connection with Kursela P.S. Case No. 26 of 2025, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 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 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 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)

Jyoti Kumari/-

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