

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34582 of 2025

Arising Out of PS. Case No.-163 Year-2022 Thana- RAGHOPUR District- Vaishali

1. Bhola Rai S/o- Siyalal Rai Resident of Village- Nayatola, Raghapur, P.S.- Bakhtiyarpur, District- Patna, A/P- Rustampur Teen Palriya Ps- Raghapur (Rustampur OP), Dist- Vaishali
2. Mahesh Rai S/o- Siyalal Rai Resident of Village- Nayatola, Raghapur, P.S.- Bakhtiyarpur, District- Patna, A/P- Rustampur Teen Palriya Ps- Raghapur (Rustampur OP) Dist- Vaishali
3. Raju Rai S/o- Siyalal Rai Resident of Village- Nayatola, Raghapur, P.S.- Bakhtiyarpur, District- Patna, A/P- Rustampur Teen Palriya Ps- Raghapur (Rustampur OP) Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2025 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. Learned Counsel for the petitioners submits due to
inadvertent mistake the father's name has wrongly been typed.

He is directed to correct the same in course of the day.

3. The present criminal miscellaneous application has
been filed under Sections 483 and 484 of the Bharatiya Nagarik
Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS,
2023') for grant of regular bail to the petitioners who are in
custody in connection with Raghapur (Rustampur O.P.) P.S.



Case No. 163 of 2022, lodged on 23.05.2022, under Section 304/34 of the Indian Penal Code.

4. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioners against whom allegation is that due to land dispute the accused persons had started brick-batting due to which injury has been caused to the grand son of the informant who succumbed to the injury.

5. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the antecedent of the petitioners are clean. Counsel submits that petitioner Nos.1 and 2 are in custody since 02.02.2025 and petitioner No.3 is in custody since 11.02.2025. Counsel further submits that in the FIR itself the cause of dispute is has indicated for land and brick-batting took place from both the sides. In the random brick-batting, the injury has been caused to the grand son of the informant, who is aged about two years, due to which injury caused and subsequently resulted into his death. Counsel submits that such event has not taken place intentionally rather at the spur of moment brick-batting took place from both the sides.

6. Learned APP for the State opposes the prayer for



bail of the petitioners and submits that death has been caused due to brick-batting.

7. In the present facts and circumstances of this case, let the petitioners, above named, be released on bail **only after framing of the charge, if not framed**, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of A.C.J.M.-XV, Hajipur, in connection with Raghapur (Rustampur O.P.) P.S. Case No. 163 of 2022, subject to the conditions as laid down U/s 480(3) of the BNSS, 2023.

(Dr. Anshuman, J)

Mkr./-

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

