

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41142 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

1. Sitaram Rai S/o- Banaras Rai Village- Goghraha, P.S- Mahmadvpur, District- Gopalganj
2. Ramnath Rai S/o- Asharfi Rai Village- Goghraha, P.S- Mahmadvpur, District- Gopalganj
3. Bhagnarayan Rai @ Bhagnarayan Yadav S/o- Mahesh Rai Village- Goghraha, P.S- Mahmadvpur, District- Gopalganj
4. Madan Rai S/o- Sitaram Rai Village- Goghraha, P.S- Mahmadvpur, District- Gopalganj
5. Suresh Kumar @ Subesh Rai S/o- Mahesh Rai Village- Goghraha, P.S- Mahmadvpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Natraj Verma, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-10-2025 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Mohammadpur P.S. Case no. 268 of 2024 registered for the offence under sections 126(2)/115(2)/118(1)/109/74//352/351(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the nine accused persons including the petitioners herein are said to have come variously armed and of having assaulted the informant and



others. It is further stated that Naresh Rai assaulted the informant leading to injuries while the other accused persons assaulted the other persons.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. From the F.I.R., it would transpire that the allegation against Naresh Rai is specific in nature. He is not the petitioner herein. The allegations against the others are general and omnibus in nature. There is partition suit between the parties being Partition Suit no. 250 of 2024 pending in the Court of learned Sub-Judge I, Gopalganj wherein the father of the informant herein is plaintiff no. 2 while a number of petitioners are defendants. Copy of the plaint has been brought on record as Annexure-2 to the petition. It is further submitted that the petitioners have no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that there is allegation against all the petitioners herein of having assaulted the informant and others. Referring to the injury report, it is submitted that injuries on several persons have been found to be grievous in nature.



6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R., the allegation being general and omnibus in nature and the detailed contents of the nature of injury found on the injured together with the pending partition suit between the parties and the petitioners not having any criminal antecedent, all the five petitioners, are directed to be enlarged on anticipatory bail in the event of their arrest/surrender within a period of four weeks, in connection with Mohammadpur P.S. Case no. 268 of 2024 on each of them furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj.

(Partha Sarthy, J)

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