

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37845 of 2025

Arising Out of PS. Case No.-164 Year-2021 Thana- KATEYA District- Gopalganj

1. Surendra Jaiswal @ Surendra Prasad Son of Late Shivnath Jaiswal R/O Village- Samogar , PS- Kateya, Distt.- Gopalganj
2. Arvind Jaiswal Son of Late Shivnath Jaiswal R/O Village- Samogar , PS- Kateya, Distt.- Gopalganj
3. Pankaj Jaiswal @ Arvind Pankaj Jaiswal Son of Surendra Jaiswal R/O Village- Samogar , PS- Kateya, Distt.- Gopalganj
4. Rahul Jaiswal Son of Surendra Jaiswal R/O Village- Samogar , PS- Kateya, Distt.- Gopalganj
5. Varsha Kumari @ Barkha Jaiswal @ Varsha Kumari Jaiswal D/o Surendra Jaiswal R/O Village- Samogar , PS- Kateya, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-07-2025 Heard Mr. Vikash Kumar Shukla, learned counsel

for the petitioners and Mr. Uday Chand Prasad, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kateya P.S. Case No. 164 of 2021, F.I.R. dated 18.05.2021 for the offences punishable under Sections 341, 323, 324, 307, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, all these accused persons including these petitioners have caught hold the



informant and the co-accused, Santosh Jaiswal assaulted him by means of knife and petitioner no. 5 also assaulted him due to which he has received injury.

4. Learned counsel for the petitioners submits that petitioner nos. 1, 2, 3 and 5 have clean antecedent and petitioner no. 4 carries one criminal antecedent other than the present one but he is on bail in the said case and they have falsely been implicated in the present case. Although the petitioners are named in the F.I.R but from perusal of the F.I.R it appears that the petitioner nos. 1 to 4 have caught hold the informant and co-accused, namely, Santosh Jaiswal assaulted by means of knife on his abdomen and petitioner no. 5 has assaulted on his hand. He further submits that it appears from the F.I.R that there is no specific allegation of assault against petitioner nos. 1 to 4 although there is allegation against the petitioner no. 5 that she has assaulted on the hand of the informant but no injury was found on hand in the injury report of the informant and the specific allegation of assault is against the co-accused, Santosh Jaiswal.

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

6. Considering the aforesaid facts and circumstances



that there is no specific allegation against these petitioners and injury report of the informant shows no injury on his hand, 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 Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 164 of 2021, 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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