

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38431 of 2025**

Arising Out of PS. Case No.-66 Year-2025 Thana- NIMCHAKBATHANI District- Gaya

Billat Chaudhary @ Vilar Chaudhary Son Of Surendra Chaudhary@ Surendra  
Chaudhari R/O -Horidih, P.S - Neemchak Bathani, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Suraj Narayan Yadav, Advocate |
|                      | : | Mr. Jata Shankar Jha, Advocate    |
| For the State        | : | Mr. Nand Kumar, APP               |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      25-06-2025                      Heard Mr. Suraj Narayan Yadav, learned counsel for  
the petitioner and learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Neemchak Bathani P.S. Case No. 66 of 2025 for the offence under Sections 126(2), 115(2), 109(2), 303(2), 352, 351(2), 351(3) and 3(5) of the B.N.S., lodged on 13.03.2025 by the informant, Vinay Chaudhary.

3. As per the prosecution story, the informant alleged that forming unlawful assembly, they assaulted the informant's father causing head injury which led to the F.I.R.

4. Learned counsel for the petitioner submits that though exaggerated F.I.R. is there, the fact remains that there is no injury report is on record though to the knowledge of the petitioner, it has been found to be simple in nature. Further, if



the said statement is incorrect, the order may become infructuous if granted relief. The submission is that the petitioner has no criminal antecedent and in any case without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.5,000/- by Demand Draft issued by the local branch of the State Bank of India to the informant towards treatment of the informant's father for the alleged injury.

5. Learned APP opposes the prayer for bail submitting that the petitioner was shifted to the hospital.

6. Considering the submission of the parties as also the categorical statement made in paragraph no.9 of the petition that the injury has been found to be simple in nature, the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.5,000/- by Demand Draft to the informant issued by the local branch of State Bank of India and the receipt has to be submitted before the Trial Court and after checking credentials to be handed over to the informant.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, Gaya, in connection with Neemchak Bathani P.S. Case No. 66 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.



8. If however, it is found that the statement regarding injury is incorrect, the order shall become infructuous.

**(Rajiv Roy, J)**

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