

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40066 of 2025

Arising Out of PS. Case No.-155 Year-2025 Thana- BANIAPUR District- Saran

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1. Mulchandra Pathak @ Mulchand Pathak S/o Late Kapil Pathak Resident of Saraiya, P.S.- Baniyapur, District- Saran
 2. Vishwakarma Pathak S/o Mulchandra Pathak @ Mulchand Pathak Resident of Saraiya, P.S.- Baniyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2025 Heard Mr. Krishna Kant Singh, learned counsel for the petitioners and Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Baniyapur P.S. Case No. 155 of 2025, F.I.R. dated 17.04.2025 for the offences punishable under Sections 127(1), 115(2), 118(1), 109, 351(2), 352 and 3(5) of the Bhartiya Nyaya Sanhita.

3. According to prosecution case, when the informant was sitting at his door, the petitioners along with other accused persons have assaulted him with various weapons.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case due to some petty dispute. 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 although the petitioners are named in the F.I.R. but from perusal of the F.I.R it appears that the F.I.R. is in two parts in first part there is general and omnibus allegation against all the accused persons including these petitioners and in the second part the specific allegation of assault is attributed against the petitioner no. 1, namely, Mulchand Pathak that he has assaulted the son of the informant , namely, Vishal Pathak by hard and blunt substance but the injury report of the injured suggests that the injury is simple in nature caused by hard and blunt substance and the wife of the informant also received injury but there is no specific allegation of any assault or over act against these petitioners rather there is general and omnibus nature of allegation against all the accused persons including these petitioners.

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

6. Considering the aforesaid facts, the petitioners



have clean antecedent and the injury inflicted upon the injured person is simple in nature, 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 J.M.-I, Saran, Chapra in connection with Baniyapur P.S. Case No. 155 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)

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