

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50659 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- SAHIYARA District- Sitamarhi

1. Ashok Kumar @ Ashok Rai S/O Sri Naresh Rai R/O Village- Mirzadpur, PS- Sahiyara, District- Sitamarhi
2. Biltu Rai S/O Late Jadu Rai R/O Village- Mirzadpur, PS- Sahiyara, District- Sitamarhi
3. Sushila Devi W/O Dinesh Rai R/O Village- Mirzadpur, PS- Sahiyara, District- Sitamarhi
4. Dinesh Rai S/O Late Jadu Rai R/O Village- Mirzadpur, PS- Sahiyara, District- Sitamarhi
5. Ekadashi Devi W/O Naresh Rai R/O Village- Mirzadpur, PS- Sahiyara, District- Sitamarhi
6. Saroj Kumar S/O Naresh Rai R/O Village- Mirzadpur, PS- Sahiyara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhusudan Rai, Adv. Mr. Ranjan Kumar Sinha, Adv
For the Opposite Party/s	:	Mr. Nitya Nand Tiwary, APP
For the informant	:	Mr. Uday Kumar, Adv. Mr. Rahul Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-11-2025 Heard learned Advocate for the petitioners, learned Advocate for the State and learned Advocate for the informant.

2. The petitioners apprehend their arrest in connection with Sahiyara P.S. Case No.05 of 2025 registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2),



118(1), 109, 303(2) and 352 of the BNS, 2023.

3. Based upon the written report, the prosecution alleges that in the night of 15.01.2025, when all the people, who were assembled there for the inauguration ceremony of the shop of the informant went to their houses, in the meanwhile, all the petitioners, variously armed, came to the informant's shop and brutally assaulted his son by means of axe, dab, hasua and iron rod, due to which his son sustained serious injury. The petitioners also took away Rs. 70,000 from the cash box.

4. Learned Advocate for the petitioners submitted that besides the general and omnibus allegation, the injury report does not corroborate the assault by means of dangerous weapons through all the petitioners, inasmuch as only one injury has been found over the head of the informant's son. However, the same has not been specifically attributed to anyone. Petitioner no.1 is a handicapped person and has been discharging his duty as a Teacher. To support the aforesaid contention, certificate of disability is also produced as Annexure P/2 to the bail application. There is a counter version, though belatedly filed by the petitioners' side, bearing Complaint Case No. C-57 of 2025. Except petitioner no.1, all the petitioners have absolutely fair antecedent.

5. On the other hand, learned Advocate for the State and the informant vehemently opposed the bail application and



submitted that the son of the informant was fortunate enough that the injury did not get fatal. However, it is manifest from the injury report that he sustained a grievous injury at the hands of the petitioners. The aforesaid occurrence has also been supported by the other independent persons, who were present there and also sustained some injuries when they tried to save the informant's son.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the omnibus nature of allegation coupled with the injury report which prescribes only one injury, besides the fair antecedent of petitioners no.2 to 6, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Sitamarhi in connection with Sahiyara P.S. Case No.05 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further following conditions:-

(i) One of the bailors shall be the own/close family members of the petitioners.

(ii) If the petitioners are found indulged in intimidating or threatening the informant and the witnesses, they



shall be at liberty to file cancellation of their bail bonds.

(Harish Kumar, J)

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