

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45328 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- BHANGHA District- West Champaran

1. Sudhama Kumar S/o Lalan Mahto R/o - Sherwa, P.S - Bhangaha, District - West Champaran
2. Durgesh Kumar S/o Bhukat Chaudhary R/o - Sherwa, P.S - Bhangaha, District - West Champaran
3. Vijay Kumar @ Vijay Mahato S/o Sital Mahato R/o - Sherwa, P.S - Bhangaha, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate

For the State : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. Learned counsel for the petitioners informs that inadvertently there is typing mistake in the petition in regard to case number. He is directed to do correction of the mistake in course of the day.

3. The petitioners seek bail, apprehending their arrest, in connection with Bhangaha P.S. Case No. 36 of 2025, dated 28.03.2025, registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118, 117(2), 109,



352, 351(2), 223, 225, 121(2) and 132 of BNS, 2023.

4. As per allegation, the informant-Police Officer reached the place of occurrence on information that two groups were clashing in regard to dance to be performed. Despite his persuasion, both the parties clashed, causing injury on both sides. The F.I.R. has been lodged against 22 named accused persons. However, as per the body of the content, police was aware of 12 names and other 100 unknown persons were also involved in the alleged offence.

5. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that in such huge crowd, it is very difficult to identify the persons involved in the alleged offence. He further submits that the petitioners are no way involved in the alleged offence and their name have transpired in the alleged offence only on the basis of suspicion. He also submits that as per order passed by learned Trial Court rejecting the bail to the petitioners, there is no reference of any injury in the case diary.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated in paragraph no.3 of the



bail petition that the petitioners have no criminal antecedent.

8. However, learned APP for the State vehemently opposes the prayer of the Petitioners for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Bhangaha P.S. Case No. 36 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedent, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



learned court below shall cancel the bail bonds of the
petitioners.

(Jitendra Kumar, J.)

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