

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44665 of 2025

Arising Out of PS. Case No.-107 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Niraj Kumar, son of Umesh Sahani, resident of Village- Bhataha, P.S.- Muffasil Motihari, Dist- East Champaran
 2. Laukesh Kumar @ Lavkesh Kumar, son of Bachalal Sahani, resident of Village- Bhataha, P.S.- Muffasil Motihari, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shamir Kumar, Advocate

Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 11-11-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Mufassil P.S. Case No. 107 of 2025 registered for the offences under Sections 126(2), 115(2), 118(1), 109, 303(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly on the pretext of taking party, the petitioners along with others came there and taken the son of the informant. After some time, the elder son of the informant informed the informant that all the accused persons have committed murder of his brother and threw him at some place. When the informant rushed to the place of occurrence, he found the injured has sustained various cut injuries on his body. There



is further allegation of snatching valuables from the son of the informant.

4. Learned Advocate for the petitioners submitted that the present case is nothing, but the counter version of the Complaint case, bearing No. 503 of 2025, instituted for kidnapping of the sister of petitioner no.1 by the injured. It is further contended that the alleged occurrence took place on 19.02.2025, but the present F.I.R. came to be instituted on 20.02.2025. So far the injury report is concerned that also does not corroborate the prosecution case, inasmuch, as all the injuries have been found to be incised, caused by sharp cutting weapon. Petitioner no.1 was allegedly having a fighter in his hand, whereas petitioner no.2 was carrying a *lathi*. Petitioner no.2 having fair antecedent, whereas petitioner no.1 has got one criminal antecedent, as has been disclosed in para. 3 of the petition.

5. On the other hand, learned APP for the State vehemently opposed the bail application and taking this Court through the injury report submitted that the injured son of the informant was brutally assaulted and he sustained multiple incised injuries, which are said to be the life threatening. The petitioner no.1 having a fighter in his hand, assaulted the



informant's son and this fact has also been corroborated by the statement of the injured, as is evident from paragraph 15 of the case diary.

6. Considering the submissions advanced by the learned Advocate for the respective parties and taking note of the statement of the injured as well as injury report, this Court is not acceded to the prayer for grant of anticipatory bail to **petitioner no.1 (Niraj Kumar)**. Accordingly, his prayer for grant of anticipatory bail stands rejected.

7. So far the **petitioner no.2 (Laukesh Kumar @ Lavkesh Kumar)** is concerned, considering the fact that he was carrying *lathi* in his hand and there is no corresponding injury, besides his fair antecedent, let petitioner no.2, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Mufassil P.S. Case No. 107 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of



the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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