

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43079 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- BARHIYA District- Lakhisarai

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1. Mithilesh Singh S/o- Ramjee Singh Village- Khutha Dih W.No-7, Ps- Barahia Dist- Lakhisarai
 2. Shivam Kumar @ Lolu Singh S/o- Dhananjay Singh Village- Khutha Dih W.No-7, Ps- Barahia Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2025 Heard Mr. Mukesh Kumar, learned counsel for the petitioners and Mr. Yogendra Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barahiya P.S. Case No. 31 of 2025, F.I.R. dated 21.02.2025 for the offences punishable under Sections 126(2), 115, 191(2), 109(1), 74, 303(2), 351(2) and 352 of the Bhartiya Nyaya Sanhita.

3. The prosecution story as per the written report is that on the alleged date of occurrence of 21.02.2025 at about 7:30 of the morning, while the brother of the informant namely Rampravesh Singh was going on the road, meanwhile accused Markari Singh, Ajeet Singh, Pappu Singh, Mithlesh Singh



(petitioner no.1), Ramjee Singh, Bittu Singh, Ritik Kumar and Shivam Kumar @ Lolu Singh (petitioner no.2) all came and encircled the informant's brother and also abused and assaulted him causing severe injury to the informant and when on the alarm being raised, the informant, his brother Ramakant Singh, Naveen Singh and the informant's Bhabhi, namely Dazy Devi came at the spot and tried to rescue, meanwhile, accused Markari Singh assaulted at head of the informant's Bhabhi by Khanti causing injury and Ajeet Singh, Pappu Singh and Mithlesh Singh (petitioner no.1) armed with lathi and rod assaulted the informant and his brother Ramakant Singh causing injury on head and on hand and thereafter on the dictate of Markari Singh, accused Bittu Kumar and Shivam Kumar (petitioner no.2) snatched away a chain from the neck of the informant's Bhabhi and also committed theft of Rs. 3000/- from the elder brother of the informant and all the accused persons ran away extending threats. Hence, the present case.

4. Learned counsel for the petitioners submit that petitioner No. 2 has clean antecedent petitioner no. 1 carries one antecedent other than the present one and they have falsely been implicated in the present case. Although petitioners are named in the FIR but from the perusal of the FIR it appears that there



is no specific allegation of any assault or overt act against this petitioner rather there is general and omnibus allegation against all the accused persons including the co-accused namely, Mercury Singh who has assaulted the Sister-in-law of the informant. Although Ram Prawesh Singh has received the grievous injury but there is no specific allegation against these petitioners rather there is general and omnibus allegation that all the accused persons assaulted to the Ram Prawesh Singh.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner no. 1 carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S. Case No. 31 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 his 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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