

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46349 of 2025

Arising Out of PS. Case No.-342 Year-2024 Thana- DORIGANJ District- Saran

1. Raghubar Rai S/O Hulas Rai Resident of Village- Kajipar, P.S- Doriganj, District- Saran.
2. Binda Rai S/O Hulas Rai Resident of Village- Kajipar, P.S- Doriganj, District- Saran.
3. Ashok Rai S/O Hulas Rai Resident of Village- Kajipar, P.S- Doriganj, District- Saran.
4. Rukhi Rai @ Narshing Rai S/O Hulas Rai Resident of Village- Kajipar, P.S- Doriganj, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2025 Heard Dr. Rajesh Kumar Singh, learned counsel for the petitioners and Mr. Yogendra Kumar, learned Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner no. 1, namely, Raghubar Rai.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no. 1.

5. The petitioners (except petitioner no. 1) are



apprehending their arrest in connection with Doriganj P.S. Case No. 342 of 2024, F.I.R. dated 29.12.2024 for the offences punishable under Sections 126(2), 115(2), 117(2), 109, 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

6. According to prosecution case, all the accused persons including these petitioners armed with weapons have assaulted to the informant and his wife and sons causing them severe injuries.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. 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. Although the petitioners are named in the F.I.R but from perusal of the F.I.R it appears that there is no specific allegation against these petitioners rather the specific allegation of assault is against the co-accused, namely, Raghubar Rai. There is case and counter case between the parties.

8. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no specific



allegation against these petitioners and there is case and counter case between the parties, let the petitioners (except petitioner no. 1), 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 Judicial Magistrate 1st Class, Saran at Chapra in connection with Doriganj P.S. Case No. 342 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 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 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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