

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46574 of 2025

Arising Out of PS. Case No.-802 Year-2024 Thana- GARKHA District- Saran

1. Uma Shankar Ray @ Uma Ray S/o Vishwanath Ray Resident of village- Tahal Tola, P.S.- Garkha, District- Saran
2. Vinod Kumar @ Binod Kumar S/o Harendra Kumar @ Harendra Ray Resident of village- Tahal Tola, P.S.- Garkha, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47923 of 2025

Arising Out of PS. Case No.-802 Year-2024 Thana- GARKHA District- Saran

Shyam Babu Rai @ Shyam Babu Ku. Dhanu Rai @ Shyam Bababu Rai
Dhanu Rai S/O Monaka Ray Resident of Village- Tahal Tola, P.S- Garkha,
District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46574 of 2025)

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

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

(In CRIMINAL MISCELLANEOUS No. 47923 of 2025)

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

For the Opposite Party/s : Mr. Prem Kumar Jha, 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. Prem Kumar Jha, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Garkha P.S. Case No. 802 of 2024 for the



offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 132, 324(4), 524(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, all the F.I.R named accused persons including these petitioners along with 50 unidentified persons have assaulted the tractor driver as well as police personnel and also damaged their vehicles.

4. Learned counsel for the petitioners submits that petitioners are innocent 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. From perusal of the F.I.R it appears that the F.I.R has been instituted against 16 named and 50 unidentified persons and there is no specific allegation of assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. Apart from that all the injuries received by the injured persons are simple in nature.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent each



other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in the pending matter.

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) 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 Garkha P.S. Case No. 802 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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