

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46686 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- DESARI District- Vaishali

1. Manohar Rai S/O Ram Narayan Rai R/O Village- Pohiyar Bujurg, P.S- Sahdai, District- Vaishali
2. Manish Kumar S/O Manohar Rai R/O Village- Pohiyar Bujurg, P.S- Sahdai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Prasad Sinha, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 01-08-2025 Heard Mr. Dharendra Prasad Sinha, learned counsel
for the petitioners and Mr. Syed Mojibur Rahman, learned APP
for the State.

2.The instant application for anticipatory bail has been
filed by the petitioners apprehending their arrest in connection
with Desari P.S. Case No. 111 of 2025 instituted for the offence
under Sections 115(2), 117(2), 126(2), 351(2), 109(1) and 3(5)
of the B.N.S., 2023.

3. The case of the prosecution is that on the date of
the occurrence, the informant, namely Mukesh Rai was at his
house and at the same time, Manish Kumar, Manohar Rai, and
Mahobia Rai, armed with *a pistol, gadasha, sawal, and sword,*



came there and assaulted him. Manohar Rai was inflicted with a *garasha* on his head, and thereafter other accused persons assaulted him. When his brother Nitish Kumar came to rescue him, the accused persons also assaulted him. Further allegation is that the accused person, namely, Manish Kumar, assaulted the body with a sharp weapon. The main allegation is against Manohar Rai, who is said to have been assaulted with *a sword*, whereas the allegation against Manish Kumar is that he was assaulted with a sharp weapon.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. He next submits that there is also a counter version of this case. It is further submitted that a statement has been made in para-3 of this petition that the petitioners have got one criminal antecedent.

5. In contra, learned APP appearing for the State as well as learned counsel for the informant have opposed the prayer of bail of the petitioners and submits that in this case Nitesh has received grievous injuries. Learned counsel for the informant also submits that from the perusal of the injury report, it will transpire that injury report of Nitesh Kumar goes to show



that injury no. 2, which is on the head measuring 3"x ½"x ¼" is grievous in nature. It is said to be inflicted by petitioner no. 1 namely, Mahohar Rai. The argument of learned counsel for the informant found false from the injury report as well.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, **this Court is not inclined to enlarge the petitioner no. 1, namely, Manohar Rai on bail; however, petitioner no. 2, namely, Manish Kumar, is granted the privilege of anticipatory bail.** Petitioner no. 2, namely, Manish Kumar, is directed to surrender in the court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Desari P.S. Case No. 111 of 2025, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down under section 482(2) of the B.N.S.S.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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