

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46909 of 2025

Arising Out of PS. Case No.-175 Year-2023 Thana- CHHAURADANO District- East
Champaran

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Dharman Rai S/o Shankar Rai Resident of village- Dhaphar, P.S.-
Chhauradano, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-07-2025 Heard Mr. Abhishek Kumar, learned counsel for

the petitioner and Mr. Yogendra Kumar Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Chhauradano P.S. Case No. 175 of 2023, F.I.R.
dated 12.06.2023 for the offences punishable under Sections
147, 148, 149, 341, 323, 324, 307, 448, 380, 427, 504a nd 326
of the Indian Penal Code.

3. According to prosecution case, all the F.I.R named
accused persons including this petitioner armed with lathi, farsa
and iron rod brutally assaulted the informant and his family
members due to which they sustained severe injuries.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. Although the petitioner is named in the F.I.R but from perusal of the F.I.R. it appears that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against him. Specific allegation of assault is against the co-accused persons, namely, Dineshwar Rai, Sajawal Rai, Munni Rai and Jitendra Rai. He further submits that the similarly situated co-accused, namely Rajeshwar Rai and others have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.05.2024 passed in Cr. Misc. No. 27096 of 2024 and another co-accused, namely, Sunil Kumar @ Sunil Raihas has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 20.07.2024 passed in Cr. Misc. No. 34745 of 2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation against the petitioner and the similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court, let the petitioner, 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 Judicial Magistrate, Raxaul, Motihari, East Champaran in connection with Chhauradano P.S. Case No. 175 of 2023, 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. Petitioner 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 petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. 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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