

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48259 of 2025

Arising Out of PS. Case No.-196 Year-2025 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Rakesh Kumar @ Rakesh Ray S/O Late Rajdev Ray R/O Village- Dadpur Chaknur, Police Station- Muffasil, District- Samastipur
 2. Rajesh Ray @ Rajesh Kumar Ray S/O Late Rajdev Ray R/O Village- Dadpur Chaknur, Police Station- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2025 Heard Mr. Mahendra Pratap, learned counsel for
the petitioners and Mrs. Sharda Kumari, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 196 of 2025, F.I.R. dated 09.05.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 117(2), 35, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, all the accused persons including these petitioners armed with deadly sharp weapons have brutally assaulted the informant due to which she received severe injuries. It is further alleged that co-accused,



Gunjan Devi snatched gold ornament from the informant and co-accused, Kajal Kumari assaulted the daughter-in-law of the informant and also took Rs. 25,000/- from the box kept in the house.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the F.I.R itself that the due to admitted land dispute between the parties the present occurrence has taken place. There is case and counter case between the parties. Although there is specific allegation against the petitioners that they have assaulted to the informant but the injury report of the informant suggest that the injuries are simple in nature caused by hard and blunt substance.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and there is specific allegation against them.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is case and counter case between the parties and injuries are simple in nature, let the petitioners, above named, in the event of their 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 Additional Chief Judicial Magistrate-II, Samastipur in connection with Muffasil P.S. Case No. 196 of 2025, 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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