

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48576 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- BELHAR District- Banka

1. Hari Om Kumar @ Hari Om Kumar Sah @ Hari Om Sah S/o- Madan Sah Resident Of Village- Nimiya, Ward No- 11, Ps-Belhar, Dist- Banka
2. Munni Devi W/o- Madan Sah Resident Of Village- Nimiya, Ward No- 11, Ps-Belhar, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the State : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2025 Heard Mr. Pankaj Kumar, learned counsel for the petitioners as well as Dr. Mrinyunjaya Kr. Gautam, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Belhar P.S. Case No. 35 of 2025, F.I.R. dated 16.02.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 110, 303(2), 74, 352, 351(2), 3(5) of the BNS, 2023.

3. According to prosecution case, the petitioners along with other co-accused persons is said to have assaulted the informant and his mother. It is further alleged that accused persons committed theft in the course of occurrence.

4. 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 due to some petty dispute, the present occurrence has taken place. Both the parties are agnates to each other and there is case and counter case between them. He further submits that although, the petitioners are named in the FIR, but it appears from the FIR that there is no specific allegation of any assault or overt act attributed against petitioner no. 1 and as far as petitioner no. 2 is concerned, there is specific allegation against her that she has assaulted the mother of the informant and informant's mother has received injury but her injury report suggests that the injury is found to be simple in nature. It is further submitted that specific allegation of assault has been attributed against the co-accused person, namely, Madan Sah.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, the petitioners have clean antecedent, both parties are agnates to each other and there is case and counter case between them and injury inflicted upon informant's mother is 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 C.J.M., Banka in



connection¹⁴ with Belhar P.S. Case No. 35 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 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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