

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49258 of 2025**

Arising Out of PS. Case No.-165 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Arbind Pathak S/o Ram Naresh Tiwary R/o Village- Maniar, P.S.- Mohiuddin
Nagar, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Ms. Kumari Rashmi, Advocate
For the State	:	Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 341, 323, 324, 307, 326, 504,
506 and 34 of the Indian Penal Code and later on, Section 302
of the Indian Penal Code was added.

3. As per prosecution case, informant, namely Lakhan
Sah, alleged that on 04.07.2022 at about 7:30 AM, while his
grandson was going to school, in the meantime, he was beaten
by co-accused Sharad Raj and Rituraj after being pulled from
the school bus. It is further alleged that when son of informant,
namely Rohan Sah, went to house of the accused persons to
make complaint then all the F.I.R. named accused persons,



including this petitioner, hit on the head of Rohan Sah by means of iron rod and stabbed him in the stomach and when he fell down, it is alleged that co-accused Rituraj and Sharaj Raj assaulted on his head by means of iron rod. Later on, during course of treatment, Rohan Sah succumbed to the injuries.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. As a matter of fact, on the alleged date and time of occurrence, it was informant and his family members, including the deceased, namely Rohan Sah, who attacked upon this petitioner and his family members as a result of which they sustained injuries and when the co-villagers gathered, the deceased and other accused persons fled away and during that course, the deceased collided with an iron gate and fell on PCC road and received head injury and died during course of treatment and taking advantage of the situation, this false and concocted case has been lodged. As per prosecution case it is alleged that this petitioner along with other co-accused persons assaulted on head of deceased with iron rod but in the *post mortem* report, doctor has found only one external injury on the body of the deceased, which itself falsifies the entire prosecution case. Moreover, co-accused Rituraj @ Golu Pathak, has already been



granted bail by this Hon'ble Court vide order dated 04.04.2025 passed in Cr. Misc. No. 53501 of 2024. Charge-sheet has already been submitted and petitioner is in custody since 21.01.2024. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case, claim based on parity, period of custody and clean antecedents of the petitioner, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner 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 learned Additional Sessions Judge- 1st, Samastipur in connection with M. Nagar P.S. Case No. 165 of 2022.

(Prabhat Kumar Singh, J)

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