

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48572 of 2025

Arising Out of PS. Case No.-223 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Munna Baitha S/O Ramdhari Baitha Resident of Village- Bhatahan Baswariya, Police Station- Muffasil, District- East Champaran.
 2. Akash Kumar @ Aakash Kumar S/O Munna Baitha Resident of Village- Bhatahan Baswariya, Police Station- Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2025 Heard Mr. Karandeep Kumar, learned counsel for the

petitioners as well as Mr. Uday Chand Prasad, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 223 of 2025, F.I.R. dated 10.04.2025 for the offences punishable under Sections 115(2), 126(2), 118(1), 109, 303(2), 352, 351(2), 3(5) of the BNS.

3. According to prosecution case, the petitioners along with other co-accused persons are said to have assaulted the informant due to which he sustained injuries. It is further alleged that accused persons also snatched golden chain from informant's neck.

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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. There is case and counter case between the parties. He further submits that it appears from the FIR that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and so far as injury is concerned, informant has received the injuries, but injury report of the injured person suggests that injury is found to be simple in nature caused by hard and blunt substance.

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, there is case and counter case between the parties and there is no specific allegation of any assault or overt act attributed against the petitioners, 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., East Champaran at Motihari in connection with Muffasil P.S. Case No.



223 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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