

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51646 of 2025

Arising Out of PS. Case No.-285 Year-2025 Thana- BIHTA District- Patna

1. Sohit Kumar son of Sijendra Yadav @ Sijindra Rai Village -Pali Halt, P.S.- Bihta, District -Patna
2. Amarjeet Rai @ Amarjeet Kumar son of Awadh Rai @ Awadh Bihari Village -Pali Halt, P.S.- Bihta, District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2025 Heard Mr. Patanjali Rishi, learned counsel for the petitioners and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bihta P.S. Case No. 285 of 2025, F.I.R. dated 25.04.2025 for the offences punishable under Sections 127(1), 127(2), 115(2), 117(2), 109 and 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that on 25.04.2025 at 04:00 a.m in the morning, when he went for nature's call, then the petitioners along with other accused persons came and started abusing and assaulted him by means of wooden stick and iron rod due to which he sustained injuries.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Although the petitioners are named in the FIR but there is no specific allegation of assault against the petitioners rather the allegation levelled against all the accused persons including the petitioners are general and omnibus.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against the petitioners that they assaulted the informant and apart from that both the petitioners carry two criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault against the petitioners, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Danapur, Patna in connection with Bihta P.S. Case No. 285 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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