

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49845 of 2025

Arising Out of PS. Case No.-77 Year-2025 Thana- MADHWAPUR District- Madhubani

1. Raj Kumar Nayak @ Raja Nayak S/O Ram Nath Nayak R/O village Madhwapur, P.s.- Madhwapur, District- Madhubani
2. Rajeev Kumar S/O Ram Nath Nayak R/O village Madhwapur, P.s.- Madhwapur, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
	:	Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Sujit Kumar Singh, APP
For the Informant	:	Mr. Kundan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2025 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Kundan Kumar, learned counsel representing the informant as also learned APP representing the State.

2. The petitioners are in custody in connection with Madhwapur P.S. Case No. 77 of 2025 for the offence punishable under sections 115(2), 126(2), 118(1), 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, lodged on 08.06.2025 by the informant, Kanhaiya Kumar.

3. As per the prosecution story, the informant alleged that in the evening, as he was in his house, the accused persons



including these two petitioners armed variously came and on the order of the petitioner no.1, Raj Kumar Nayak @ Raja Nayak, Rajeev Nayak @ Rajeev Kumar dragged him from his door, allegation is that Rajeev Nayak @ Rajeev Kumar used sword in hand to attack on his neck and thereafter they resorted to assault in which one of the finger was severed. When the sister, Guriya came to rescue, she was also assaulted. This happened in the presence of the Police (112). The severed finger could not be located and he was rushed to Primary Health Centre and then to the other hospital. The allegation is that finger was severed purposely to ensure that he fails to take any government job. This led to the F.I.R.

4. Learned counsel for the petitioners submit that they are agnates, there is case and counter case, the criminal antecedent would show that earlier the informant side also lodged F.I.R. The mother of the petitioner has also suffered injuries as per the F.I.R. lodged by them (Annexure-3).

5. Learned counsel for the informant on the other hand submits that it was the petitioner no.2, Rajeev Kumar @ Raja Nayak who was using the deadly weapon which ultimately led to the severance of the finger of the informant making him permanently disable as it could not be located/attached/surgery



could be performed.

6. Considering the submissions of the parties and the allegation that has come against the petitioner no.2, Rajeev Kumar, for the present, his bail application is rejected.

7. So far as the petitioner no.1, Raj Kumar Nayak @ Raja Nayak is concerned, considering the omnibus allegation of assault against him. There is case and counter case, F.I.R. is there, he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner no.1, Raj Kumar Nayak @ Raja Nayak be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Benipatti, Madhubani, in connection with Madhwapur P.S. Case No. 77 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner no.1, Raj Kumar Nayak @ Raja Nayak who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1, Raj Kumar Nayak @ Raja Nayak shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without



plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no.1, Raj Kumar Nayak @ Raja Nayak shall appear before the concerned police station every fortnight for six months to mark their attendance;

(iv) the petitioner no.1, Raj Kumar Nayak @ Raja Nayak shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no.1, Raj Kumar Nayak @ Raja Nayak shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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