

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52707 of 2025

Arising Out of PS. Case No.-282 Year-2025 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Vipin Kumhar S/O Late Vishwanath Kumhar R/O Village-Kekadha, PS-Mohania, Distt-Kaimur at Bhabua
2. Bihari Kumhar @ Bihari Prajapati S/O Late Vishwanath Kumhar R/O Village-Kekadha, PS-Mohania, Distt-Kaimur at Bhabua
3. Dhanu Kumhar S/O Vipin Kumhar R/O Village-Kekadha, PS-Mohania, Distt-Kaimur at Bhabua
4. Sunil Prajapati S/O Shyam Bihari Kumhar R/O Village-Kekadha, PS-Mohania, Distt-Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. Anil Kumar, A.P.P.
For the Informant	:	Mr. Ashok Kumar Garg, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2025 Heard Mr. Tribhuwan Narayan, learned counsel for the petitioners, Mr. Ashok Kumar Garg, learned counsel for the informant and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mohania P.S. Case No. 282 of 2025, F.I.R. dated 07.04.2025 for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 117(2) and 109(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.



3. According to prosecution case, the fardbeyan of one Jitendra Prajapati discloses that in the morning, while he had gone to collect milk at village Usari, he received information that his agnates were assaulting his father, namely, Laxman Prajapati. On receiving such information, the informant rushed to his village where he witnessed that the accused persons, namely (1) Amod, (2) Janardan Kumhar, (3) Vinod Kumhar, (4) Pankaj Kumar, (5) Sunil Prajapati, (6) Dhanu Kumhar, (7) Bipin Kumhar and some unknown persons, were assaulting his parents and causing injuries to them. It is further alleged that accused Janardan Prajapati fired upon the informant with an intention to kill, but the shot did not hit him. Thereafter, the said accused assaulted the informant with the butt of a pistol.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and present case is counterblast of Mohania P.S. Case No. 281 of 2025 filed by the co-accused, namely, Sriniwas Prajapati against the informant and his family members. Although, the petitioners are named in the F.I.R. but from a bare perusal of the F.I.R., it appears that there is no specific allegation of assault or over act against the petitioners rather there is general and omnibus allegation against the co-accused persons including the petitioners.



5. The learned Additional Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioners and submits that from a bare perusal of the injury report of the injured persons which suggests that some of the injured persons have received injury which is grievous in nature.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is case and counter case and there is no specific allegation of assault or overt act 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 A.C.J.M.-1st, Mohania, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 282 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 tamper 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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