

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52754 of 2025

Arising Out of PS. Case No.-989 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Ram Naresh Rai, S/O Late Bilash Rai @ Ram Bilash Rai, R/O Village-Rajepur, PS-Rajepur, Distt- East Champaran
 2. Ram Pravesh Rai, S/O Late Bilash Rai @ Ram Bilash Rai, R/O Village-Rajepur, PS-Rajepur, Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Phuldeo Rai, S/O Late Jamadar Rai, R/O Village-Rajepur, PS-Rajepur, Distt- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Mishra, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, APP
For the Complainant	:	Mr. Sarvesh Kashyap, Advocate
		Mr. Gautam Raja, Advocate
		Mr. Deepak Kumar, Advocate
		Ms. Akanksha Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the complainant.

2. The petitioners seek bail in connection with Complaint Case No. 989 of 2021, Trial No. 363 of 2025, registered for the offences punishable under Sections 323, 307, 504 read with Section 34 of Indian Penal Code.

3. As per allegation, emerging from the criminal complaint, the petitioners and other co-accused have assaulted the informant and his family members. As per further case, the



informant was assaulted by Ramsevak Rai by iron rod.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the case is based on not FIR, but on criminal complaint and this criminal complaint has been lodged after 57 days of the alleged occurrence. He further submits that the informant and the petitioners' side are agnates and admittedly, there is land dispute between them and hence, petitioners have been falsely implicated by the informant. He also submits that the allegation is not corroborated by the injury report. But as per the injury report, only the informant has some injury on his person, caused by hard and blunt substance and nature of the injury is simple, though opinion of one injury is still reserved and not come on record. He also submits that the petitioners are also ready to comply with all the conditions as imposed by this Court during conduct of the trial.

5. He further submits that the petitioners have been languishing in jail since 05.06.2025.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier



either for anticipatory bail or regular one.

8. However, learned APP for the State and learned counsel for the complainant vehemently oppose the prayer of the petitioners for bail submitting that the injury regarding which the opinion is reserved is caused by petitioner/Ram Naresh Rai and brother of the informant who was referred to SKMCH, Muzaffarpur, though his injury report is not on record.

9. Considering the fact that the case is based on complaint and from the perusal of the statement of the informant on solemn affirmation, the case does not appear to be serious and there is previous enmity between the informant and the petitioners' side, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Complaint Case No. 989 of 2021, Trial No. 363 of 2025 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their



absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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