

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52345 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- RAJAOLI District- Nawada

Umesh Rajbanshi S/O Late Shivbalak Rajbanshi Resident Of Village- Laxmi
Bigha, P.s.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-09-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Rajauli
P.S. Case No. 44 of 2025, instituted for the offences punishable
under Sections 126(2), 115(2), 109, 303(2) and 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that due to a
children's fight, named accused along with unknown persons
assaulted the informant, his wife and children at his house using
lathi, iron rod and bricks. His son Mithlesh Rajwanshi suffered a
serious health injury and remains unconscious after surgery. The
accused also snatched a gold chain before fleeing from the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that there is delay of 27 days in lodging the FIR. The allegation levelled against the petitioner is general and omnibus in nature. It is next submitted that the occurrence took place due to quarrel among the children while playing. The deceased died after two months from the date of FIR. The petitioner is in custody since 03.05.2025 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 22.07.2025 passed in Cr. Misc. No. 45497 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that there is specific allegation against the petitioner of assaulting the informant and his family member with iron rod and lathi causing injury on the head of the injured Mithlesh Rajbanshi. On perusal of the injury report, it transpires that the informant's son has received injury which is grievous in nature which supports the allegation of assault made by the petitioner. Hence, the petitioner does not deserve the privilege of bail.



6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

Rajorshi/-

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