

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56666 of 2025

Arising Out of PS. Case No.-166 Year-2024 Thana- BALIGAON District- Vaishali

Bijendra Rai @ Kalu @ Birendra Ray, Son of Late Ramvrisha Rai, Resident
of Village - Chakmirbaki, Police Station - Baligaon, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Nidhi Anand, Advocate
	Ms. Suruchi Anand, Advocate
For the Opposite Party/s :	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-09-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Baligaon P.S. Case No.166 of 2024 registered under Sections 190, 191(2), 191(3) and 103 of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. As per case of prosecution, on 02.12.2024 at about 6:00 P.M. all the FIR named accused persons including petitioner hurled verbal abuses, damaged the house of informant and assaulted her father by means of *lathi*, stick, spear, knife etc. resulting to his death during hospitalization.

4. Mr. N.K. Agrawal, learned senior counsel



appearing for the petitioner submitted that petitioner has been implicated falsely with present case out of neighbourhood disputes and differences. It is submitted that there are 23 accused persons named with present occurrence including petitioner with allegation that they all were involved in physical assault upon father of informant but, upon postmortem, it transpires that the deceased father of informant received only four injuries, which *prima facie* creates a doubt regarding veracity of the prosecution case, as raised through informant. It is submitted that in view of same, the allegation of physical assault appears general and omnibus and there is no specific allegation *qua* any overt act appears available against this petitioner, who is a man of clean antecedent. While concluding argument, Mr. Agrawal submitted that the similarly situated co-accused namely, Mukul Kumar has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.59536 of 2025 dated 03.09.2025.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by



taking note of fact as the allegation *qua* physical assault appears general and omnibus against the petitioner without specifying any overt act, coupled with the fact that similarly situated co-accused person has already granted bail by one of the learned co-ordinate Bench of this Court, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIII, Vaishali at Hajipur/concerned Court in connection with Baligaon P.S. Case No.166 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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