

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58571 of 2025

Arising Out of PS. Case No.-143 Year-2025 Thana- PATEPUR District- Vaishali

1. Om Prakash Rai S/O Jagarnath Rai R/O Vill.- Repura, P.S- Patepur, Distt.- Vaishali
2. Seema Devi W/O Sudhir Kumar R/O Vill.- Repura, P.S- Patepur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Tripathi

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-08-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehends their arrest in connection with Patepur P.S. Case No. 143 of 2025 registered for the offences under Sections 126(2), 115(2), 303(2), 76, 109, 329(3), 352, 3(5) of the B.N.S., 2023.

3. As per the prosecution case, the accused persons including these petitioners came at the door of the informant and started abusing and assaulting the husband of the informant. It is further alleged that co-accused Sudhir Rai assaulted the husband of the informant with iron rod resulting in head injury.



It has further been alleged that all the accused persons thereafter fled away.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in the instant case. From bare perusal of the F.I.R., it is evident that there is no any specific allegation of overt act against the petitioners. It has further been submitted that the petitioners and the informant side are agnates and there is long standing land dispute between the parties and the Title Suit No. 705/2022 is also pending before the learned Sub Judge- 5th, Vaishali at Hajipur. It is next submitted that there was delay of almost six days in lodging of the F.I.R. It is lastly been submitted that both the petitioners have two criminal cases lodged against them which was also lodged by the informant side.

5. Learned APP for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the



like amount each to the satisfaction of the learned Court below where the case is pending /successor court in connection with Patepur P.S. Case No. 143 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioners will be his close relative.

(ii) The petitioners will remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners has concealed his 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 the same or in the name of verification.



7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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