

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63332 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- RAJEPUR District- East Champaran

1. Ajay Prasad S/O Surendra Bhagat R/O Village- Rajepur Tola Aryanagar, P.S- Rajepur, Distt.- East Champaran.
2. Vijay Prasad @ Vijay Kumar S/O Surendra Prasad R/O Village- Rajepur Tola Aryanagar, P.S- Rajepur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shamir Mehra, Advocate
		Mr. Anil Kumar, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 109, 126(2), 115(2), 303(2), 352, 351(2) & 3(5) of the Bhartiya Nyaya Sanhita.

3. As per the FIR, on 24.03.2025, at about 07:00 A.M., while the informant was tying his cattle in his bathan, petitioner no.2 came and restrained him. On objection, petitioner no.2 gave a sword blow upon the informant with an intention to kill, due to which he sustained injury. When the brother of the informant and one



Harendra Prasad came to rescue him, petitioners and other co-accused persons brutally assaulted all of them by iron rod and sword.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this matter due to enmity and grudge. It is further submitted that no specific overt act has been attributed to the petitioners. In fact, the dispute arose when the informant attempted to forcibly occupy the cattle house belonging to the petitioners, situated on Khata No. 40, Plot No. 1123. During this altercation, the informant and his family members allegedly assaulted co-accused Subodh Prasad and petitioner No. 2, resulting in injuries to them. It is further submitted that co-accused Subodh Prasad called the police on 112, upon which the police arrived and further course of action was done. It is further contended that for the alleged incident, there exist both a case and a counter case between the parties. The injuries sustained by the injured persons are of a simple nature. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioners.



6. Taking into account that the injuries are simple in nature, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Motihari/Successor Court in connection with Rajepur P.S. Case No.59 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take



steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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