

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61984 of 2025

Arising Out of PS. Case No.-97 Year-2025 Thana- DARPA District- East Champaran

1. Khalifa yadav @ Rajesh @ Rajesh yadav @ Rajesh kumar son of Jhulan Ray @ Jhulan Yadav @ Bhulan Yadav @ Bhulan Prasad Ressident of vill- Belahiya ward no.16 Ps- Adapur Dist -East Champaran
2. Bagar Yadav @ Rakesh Yadav @ Rakesh Kumar yadav Son of Jhulan Ray @ Jhulan Yadav @ Bhulan Yadav @ Bhulan Prasad Ressident of vill- Belahiya ward no.16 Ps- Adapur Dist -East Champaran
3. Jhulan Ray @ Jhulan Yadav @ Bhulan Yadav @ Bhulan Prasad Son of Late Ramanan Rai Ressident of vill- Belahiya ward no.16 Ps- Adapur Dist -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prateek Tandon, Advocate
For the Opposite Party/s	:	Ms. Madhuri Lata, APP
For the Informant	:	Mr. Rahul Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-09-2025 Heard Mr. Prateek Tandon, learned counsel for the petitioners, Mr. Rahul Singh, learned counsel appearing on behalf of the informant as well as Ms. Madhuri Lata, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Darpa P.S. Case No. 97 of 2025, F.I.R. dated 17.04.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, all the accused



persons including these petitioners armed with sharp weapons assaulted the sons of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the F.I.R that the informant is the agnate of the petitioners and there is case and counter case between the parties and due to some land dispute the present occurrence took place. He further submits that the petitioners are named in the F.I.R and there is specific allegation against the petitioners that they have assaulted to the son of the informant due to which he has received injury but the injury report of the injured person suggest that the injury is simple in nature caused by hard and blunt substance.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against the petitioners that they have assaulted the son of the informant.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedents, there is case and counter case and the injury found on the injured person is simple in nature, let the petitioners, above named, in the event



of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Darpa P.S. Case No. 97 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their 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 or in the name of
verification.

(Rajesh Kumar Verma, J)

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