

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60820 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- Patarghat District- Saharsa

1. Ajay Kumar S/o Bhupi Ram @ Bhupendra Ram R/o Village- Teknama, Ward No 11, Dhaboli, PS- Patarghat, Distt.- Saharsa
2. Sumila Devi @ Sukani Devi W/o Bhupi Ram @ Bhupendra Ram R/o Village- Teknama, Ward No 11, Dhaboli, PS- Patarghat, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2025 Heard Mr. Satish Kumar Singh, learned counsel for the petitioners as well as Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Patarghat P.S. Case No. 05 of 2025, F.I.R. dated 06.01.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 308(2), 352, 351(2), 74, 3(5) of the BNS, 2023.

3. According to prosecution case, the petitioners along with other co-accused persons are said to have abused and assaulted the informant and her family members.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears



from the FIR itself that due to some petty dispute, the present occurrence has taken place and there is case and counter case between the parties. It is further submitted that earlier, the petitioners have already filed a Complaint Case No. 846 of 2024 against the informant and her family members. It is further submitted that although, the informant and her husband have received the injury but injury report of the injured persons suggests that injury is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, the petitioners have clean antecedent, there is case and counter case between the parties and injury inflicted upon injured person is found to be simple in nature, let the petitioners, above named, in the event of their 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, Saharsa in connection with Patarghat P.S. Case No. 05 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 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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