

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66610 of 2025

Arising Out of PS. Case No.-392 Year-2024 Thana- VAISHALI District- Vaishali

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1. Rahul Kumar @ Rahul Rai, S/O Chulhai Rai, R/O Village- Bhagwatpur, P.S.- Vaishali, Distt.- Vaishali
 2. Lalan Rai, S/O Shivji Rai, R/O Village- Bhagwatpur, P.S.- Vaishali, Distt.- Vaishali
 3. Chulhai Rai, S/O Ramvaran Rai, R/O Village- Bhagwatpur, P.S.- Vaishali, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Adv.
For the Opposite Party/s : Mr. Nand Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-09-2025 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Vaishali P.S. Case No. 392 of 2024, registered for the offences punishable under Sections 191(2), 126(2), 115(2), 109, 76, 303(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. On the fateful day while the son of the informant was talking on phone to his sister, in the meantime, all the FIR named accused persons including the petitioners came there and



brutally assaulted the son of the informant. It is specifically alleged that co-accused Rahul Kumar assaulted on the head of the informant, causing head injury, whereas there is omnibus nature of allegation against all the accused persons including the petitioner nos. 2 and 3 to assault and outrage the modesty of the informant's wife, besides the allegation of snatching of valuables.

4. Learned Advocate appearing on behalf of the petitioners submitted that in fact, on account of a trifle, both the parties have entered into a scuffle, leading to injuries to persons of both the sides. Moreover, the petitioner and informant are agnates and besides the aforesaid fact, there is delay of 3 days in lodging of the FIR and the other family members have been granted anticipatory bail by the Court below itself.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submitted that so far the injury attributed to the petitioner no. 1 is concerned, the same is found to be grievous in nature, all the more, he also bears one criminal antecedent.

6. Having considered the submissions advanced by learned Advocate for the parties, so far the prayer of the petitioner no. 1 is concerned, this Court is not acceded and



accordingly his prayer for bail stands rejected. So far the petitioner nos. 2 and 3 are concerned, taking note of omnibus nature of allegation leveled against them, coupled with the delay in lodging of the FIR, let the petitioner nos. 2 and 3 be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 392 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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