

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63651 of 2025

Arising Out of PS. Case No.-305 Year-2025 Thana- SONEPUR District- Saran

Sita Ram Rai @ Sitaram Rai S/o Chandrika Rai Resident of Village- Sabalpur
Chaharam, PS- Sonapur, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Manoj Kumar
For the Opposite Party/s :	Mr.Nirmal Kumar Sinha, APP
	Mr. Amit Kumar, Adv
	Mr. Pramod Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 14-11-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 118(2), 303(2), 352, 351(2), 351(3), 61(2), 3(5) of the Bharatiya Nyaya Sanhita and later on Section 103(1) BNS has been added.
3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and is in custody since 20-4-2025 and the informant alleges that on 2-4-2025 at 9.00 A.M., the accused persons came and Vijay Ray, Binod and Chanda Devi started assaulting, on alarm, Vakil Sharma, Sangita and



Radha came to save him when 12 named accused persons came and started assaulting him, thereafter Binod Rai assaulted her by spade (*Kudal*) causing injury on right hand, thereafter Binod and Vijay assaulted Vakil Sharma by lathi and he fell thereafter Chanda assaulted Vakil Sharma indiscriminately by sword causing injury on head, hand and waist.

4. Learned counsel for the petitioner submits that Shailesh Ray and three others had approached this Court seeking anticipatory bail by filing Cr. Misc No. 67428 of 2025 and the same was allowed by an order dated 7-10-2025 after considering the case on merit and in details. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that Vakil Sharma was assaulted leading to external injuries, but then the post-mortem report of Vakil Sharma records that cause of death – asphyxia resulting from heart decease. It is also submitted that though Vakil Sharms was admitted in PMCH, but then subsequently he was discharged and he died more than one month after the occurrence, as such assault was not the proximate cause of death. It is next submitted that the said fact was considered while granting the privilege of anticipatory bail to Shailesh Ray and three others in Cr. Misc No. 67428 of 2025.



It is further submitted that there is no specific allegation of assault against the petitioner. It is also submitted that the post-mortem report does not even remotely suggest that deceased suffered any external injuries. It is submitted that petitioner will abscond rather will cooperate in the trial to prove his innocence.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant vehemently opposes the prayer for bail of the petitioner, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that Shailesh Ray and three others were granted the privilege of anticipatory bail and that no specific allegation of assault is alleged against the petitioner and that post-mortem report does not even remotely suggest that any external injury was caused to the deceased.

6. At this stage, the learned counsel appearing on behalf of the informant submits that a counter-affidavit has been filed wherein discharge ticket has been annexed, which records an alleged case of head injury, thus it is submitted that Vakil Sharma suffered head injury, as recorded in the discharge ticket, on which the learned counsel appearing on behalf of the petitioner submits that from post-mortem report, it does not even remotely reflect that deceased suffered any external injury.



7. Considering the submission made by learned counsel for the petitioner and taking into consideration the order dated 7-10-2025 in Cr. Misc No. 67428 of 2025, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sonapur P.S. Case No. 305 of 2025.

8. However, it is made clear that if the learned trial court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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