

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64930 of 2025

Arising Out of PS. Case No.-104 Year-2025 Thana- AURAI District- Muzaffarpur

1.

Monu Ram S/O Balchand Ram @ Bal Chand Bhagat Resident of village and P.S.- Aurai, Dist.- Muzaffarpur
2.

Mahesh Ram S/O Late Lalchand Ram Resident of village and P.S.- Aurai, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj, Adv.
For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3

16-12-2025

Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Aurai P.S. Case No. 104 of 2025, registered for the offences under Sections 191(2), 190, 126(2), 115(2), 118(1), 103(1), 74 & 352 of the BNS.

3. As per the prosecution case, the petitioners and other co-accused persons armed with *lathi*, *danda* and iron rod started assaulting the father of the informant. The petitioner Mahesh Ram and co-accused Ramdev hit the father of the informant on his nose with iron rod and he fell down. Thereafter, the petitioners and other co-accused persons kept on

assaulting him. They also assaulted the other family members when they reached for his rescue.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is counter version and thirteen persons from the informant's side assaulted the persons from the petitioner's side causing a number of injuries to them and Aurai P.S. Case No. 105 of 2025 has been lodged under Section 126(2), 115(2), 118(1), 191(2), 190, 109, 352, 351(2), 351(3) of the BNS. The informant side used to take toddy and further used to fight with villagers and even amongst themselves. The deceased has been scolding his own family members for assaulting the father of petitioner no. 1 and he was beaten by his family members and got injured and subsequently died. The petitioners have no role in the death of the father of the informant. Learned counsel further submits that there is no specific allegation of assault against the petitioner no. 1 Monu Ram and allegation is specific against petitioner no. 2 Mahesh Ram with co-accused Ramdev. Other co-accused persons have been granted anticipatory bail vide order dated 17.11.2025 passed in Cr. Misc. No. 77635 of 2025. The petitioners are in custody since 24.05.2025 and they have no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that there is allegation of assault against the petitioners and causing death of the father of the informant.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the specific nature of allegation against co-accused Mahesh Ram for assaulting the father of the informant with iron rod, I am not inclined to enlarge petitioner no. 2, namely, Mahesh Ram on bail.

7. Accordingly, the prayer for bail of petitioner no. 2 Mahesh Ram is rejected.

8. Further considering the general and omnibus nature of allegation against the petitioner no. 1, namely, Monu Ram, he is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned JMFC(East), Court No. 3, Muzaffarpur/concerned court, in connection with Aurai P.S. Case No. 104 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close

relative of the petitioner no. 1.

(ii) The petitioner no. 1 will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner no. 1 will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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