

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69021 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Vikki Swarnkar @ Vikki Kumar Soni S/o Late Raj Karan Swarnkar Resident Of Village- Kanu Tola, Ward No 23, Ps- Simri Bakhtiyarpur, Dist- Saharsa
 2. Kishori Swarnkar @ Kishor Swarnkar S/o Late Raj Karan Swarnkar R/o vill - Kanu Tola, ward no. 23, P.S.- Simri Bakhtiyarpur, Distt.- Saharsa
 3. Pappu Swarnkar @ Pappu Kumar S/o Upendra Swarnkar R/o Railway Dhala Pokhar Ke Pass Simri Bakhtiyarpur, P.S.- Bakhtiyarpur, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2025 Heard Mr. Ravi Prakash Dwivedi, learned counsel for the petitioners and Ms. Renu Kumari, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Simri Bakhtiyarpur P.S. Case No. 100 of 2025, F.I.R. dated 16.03.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 74, 352, 351(2), 3(5) of Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that when she along with her family members were sitting at her house, in the meantime, the petitioners along with other accused persons came and assaulted the informant and her father.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. It appears from the FIR that due to some petty dispute the present occurrence has taken place. Although there is specific allegation against the petitioners that they assaulted the informant and her father but the injury report of the injured persons suggest that the injury inflicted upon them is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that there is direct and specific allegation against the petitioners and apart from that petitioners carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that they are on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and the fact that the injury inflicted upon the injured persons 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, Saharsa in connection with Simri



Bakhtiyarpur P.S. Case No. 100 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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