

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69214 of 2025

Arising Out of PS. Case No.-750 Year-2025 Thana- PHULWARISHARIF District- Patna

1. Wakil Rai @ Wakil Ray S/O Late Pukar Rai Resident of Mohanchak, P.S.- Janipur, Phulwari, District- Patna
2. Shivalak Rai @ Shiv Balak Ray S/O late Pukar Rai Resident of Mohanchak, P.S.- Janipur, Phulwari, District- Patna
3. Sangeeta Devi @ Sangita Devi W/O Wakil Rai @ Wakil Ray Resident of Mohanchak, P.S.- Janipur, Phulwari, District- Patna
4. Lilawati Devi @ Lilauti Devi W/O Shivalak Rai @ Shiv Balak Ray Resident of Mohanchak, P.S.- Janipur, Phulwari, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehends their arrest in connection with Phulwari Sharif (Janipur) P.S. Case No. 750 of 2025 registered for the offences under Sections 126(2), 115(2), 110, 352, 3(5) of the B.N.S., 2023.

3. As per the prosecution case, the informant has alleged that the petitioner no.1 Wakil Rai and petitioner no. 2 Shivalak Rai assaulted the informant as well as his father with lathi, danda and brick. It has been alleged that due to the alleged



assault, the father of the informant received serious injuries on his head.

4. Learned counsel for the petitioners submit that the petitioners have falsely been implicated in this case and the nature of the allegation levelled in the F.I.R is not corroborated by the injuries sustained by the father of the informant, which has been brought on record by way of Annexure-P/4. It has been pointed out from perusal of the injury report, which would suffice that injuries sustained are simple in nature, however, it is written as dangerous. It has next been submitted that there is case and counter-case for the same incident and even the petitioners side including the petitioner Wakil Rai had sustained injury from the said altercation. It has lastly been submitted that the petitioners have a clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the aforesaid submission, facts and circumstances of the case, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the



satisfaction of the learned Court below where the case is pending/successor court in connection with Phulwari Sharif (Janipur) P.S. Case No. 750 of 2025 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be their close relative.
- (ii) The petitioners shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.
- (iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned 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 antecedents, the court below shall take step for cancellation of bail bond



of the petitioner. 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.

7. Accordingly, the present application stands disposed of.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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