

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69677 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- HATHUA District- Gopalganj

1. Abhishek Gupta Son of Prabhu Sah @ Prabhu Saw
2. Vivek Gupta son of Prabhu Sah @ Prabhu Saw
3. Tulsi Devi wife of Abhishek Gupta.
All Resident of Village -Jainan PS- Hathua District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2025 Heard Mr.Lokesh Kumar Singh, learned counsel for

the petitioners and Mr.Lakshmi Kant Sharma, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Hathua P.S.Case No.88 of 2025,FIR dated
08.04.2025 registered for the offences punishable under
Sections 115(2),126(2),117(2),118(2),352,109,3(5) of BNS,
2023.

3. Allegation against petitioner No.1 is that he
assaulted to the informant by means of Sword and Farsa on his
head due to which he got severe injury and there is no specific
allegation petitioner Nos.2 and 3.

4. Learned counsel for the petitioners submits that the
petitioners have clean antecedent. The allegation as alleged in



the FIR is false and fabricated and as per allegation in the FIR, petitioner No.1 has assaulted to the informant but the injury report of the informant suggests that the injury is simple in nature and there is no specific allegation of any assault or overt-act attributed against petitioner Nos.2 and 3 in the FIR and apart from that, there is specific allegation against co-accused persons, namely, Prabhu Sah and Prabha Devi.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, as per allegation in the FIR, petitioner No.1 has assaulted to the informant but the injury report of the informant suggests that the injury is simple in nature and apart from that, there is no specific allegation against petitioner Nos.2 and 3, let the petitioners, above named, in the event of their 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 learned Chief Judicial Magistrate, Gopalganj in connection with Hathua P.S.Case No.88 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/



Section 482(2) of BNSS, 2023 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 tamper 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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