

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76194 of 2025**

Arising Out of PS. Case No.-521 Year-2024 Thana- GORAUL District- Vaishali

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1. Maya Rai Son of Late Nathuni Rai Resident Of Village- Cherakalan Ps -Goroul (katahara Op), Dist- Vaishali
  2. Ashok Rai son of Maya Rai Resident Of Village- Cherakalan Ps -Goroul (katahara Op), Dist- Vaishali
  3. Jitu Rai son of Maya Rai Resident Of Village- Cherakalan Ps -Goroul (katahara Op), Dist- Vaishali
  4. Newalal Rai son of Maya Rai Resident Of Village- Cherakalan Ps -Goroul (katahara Op), Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar, Adv.  
For the APP : Ms.Sangeeta Sharma, APP  
For the Informant : Mr.Harendra Kumar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH**  
**ORAL ORDER**

2      05-12-2025                      By means of this bail application, petitioners, who are involved in connection with Goraul (Kathara OP) P.S. case no.521 of 2024, registered for the offences punishable under Sections 318(4), 338, 61(2), 111 of B.N.S., 2023, seek enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor representing the State.

3. As per prosecution case, in brief, the informant Devendra Rai got a First Information Report lodged against five



named accused persons including the petitioners and 6-7 unknown persons alleging that they usurped his land by hatching a criminal conspiracy in collusion with the revenue officials.

4. The learned counsel for the petitioners submits, that petitioners have been falsely implicated in this case due to land dispute. The prosecution has not come with clean hands. It is next submitted that regarding the land in question, mutation order has already been passed in favour of the petitioners by the court of C.O., Mahua and the said order has attained finality as the same has not been challenged by the complainant/informant. It is also pointed out that petitioners are in actual physical possession over the land in dispute. The informant is not a man of clean antecedent. Several cases are pending against the informant in different police stations. The petitioners have four criminal history to their credit and in all the cases, they are on bail. Lastly, it is submitted that petitioners no.1 and 4, namely Maya Rai and Newalal Rai, respectively are languishing in jail since 01.07.2025 and petitioners no.2 and 3, namely Ashok Rai and Jitu Rai, respectively are in jail since 23.05.2025 and in case they are released on bail, they will not misuse the liberty of bail and cooperate with the trial.



5. Per contra, learned Additional Public Prosecutor for the State as well as learned counsel for the informant opposed the prayer for bail of the petitioners reiterating the prosecution case as mentioned in F.I.R.

6. Having heard the submissions of learned counsel for the parties, I find that allegation against the petitioners are that they have taken forceful physical possession over the land in dispute. The instant criminal proceeding against the petitioners is out come of civil dispute between the parties. After culmination of investigation, charge sheet has been submitted in the matter. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial of the petitioners in near future is very bleak. There is no chance of the petitioners, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioners.

7. In view of the above, without going into the merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioners, submissions of the learned counsel for the parties and reasons as



noted above, this Court is of the opinion that the petitioners no.1 and 4, namely Maya Rai and Newalal Rai, respectively who are in incarceration since 01.07.2025 and petitioners no.2 and 3, namely Ashok Rai and Jitu Rai, respectively, who are in incarceration since 23.05.2025 have made out a prima facie case for bail.

8. Accordingly, the bail application of the petitioners stands allowed.

9. Let the above named petitioners be released on bail in the above case on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned court below with the following conditions:-

(i) That the petitioners shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioners shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioners, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is



limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioners expeditiously without granting unnecessary adjournment to either of the parties.

**(Sanjay Kumar Singh , J)**

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