

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75845 of 2025

Arising Out of PS. Case No.-139 Year-2025 Thana- CHAUTHAM District- Khagaria

1. Ashok Singh Son of Late Bodhan Singh Resident of Village - Kharaita, P.S. - Chautham, District - Khagaria.
2. Manish Kumar Son of Ashok Singh Resident of Village - Kharaita, P.S. - Chautham, District - Khagaria.
3. Nishant Kumar Son of Ashok Singh Resident of Village - Kharaita, P.S. - Chautham, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pooja Prasad, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-11-2025 Heard Ms. Pooja Prasad, learned counsel for the petitioners and Dr. Ajeet Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chautham P.S. Case No. 139 of 2025, F.I.R. dated 02.06.2025 for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 117(2), 76, 352, 351(2), 351(3) of the Bharatiya Nyay Sanhita, 2023 and Section 27 of Arms Act.

3. According to prosecution case, the informant alleged that on 01.06.2025 the petitioners armed with lathi,



danda, rod, country made pistol, spade came and started abusing him. On protest, the accused persons assaulted him and when the brother and father of the informant came to rescue him, the accused persons assaulted them also.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. There is case and counter case between the parties and although the petitioners are named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act or firing attributed against the petitioners rather specific allegation of firing and assault is against co-accused, namely Chandra Shekhar Singh and injury report of the injured persons suggest that injury inflicted upon them is simple in nature caused by hard and blunt substance and similarly situated co-accused persons, namely, Rekha Devi and Gaurav Kumar have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court vide order dated 04.11.2025 in Cr. Misc. No. 73551 of 2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners are named in the FIR and apart from that petitioners have participated in the present crime in question.



6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is no specific allegation of assault or overt act or firing attributed against the petitioners and similarly situated co-accused persons have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court, 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, Khagaria in connection with Chautham P.S. Case No. 139 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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