

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74604 of 2025

Arising Out of PS. Case No.-327 Year-2025 Thana- RAXAUL District- East Champaran

Vishwajeet Kumar S/o- Rajiv Kumar Gupta R/o village- Bhelahi P.S- Palanwa
Dist- East Champaran at present address R/o- Ramgarhwa Dhi Bazar P.S-
Ramgarhwa Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar II, Advocate
For the State : Mr.Md. Fahimuddin, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Raxaul P.S. Case No. 327 of 2025 registered for the alleged offences under Sections 329(3), 118(1), 126(2), 109(1), 115(2), 303(2), 3(5) of B.N.S.

3. As per prosecution case, the petitioner and other co-accused persons surrounded the vehicle of the informant when he went to Government hospital for treatment of his father. In the assault by the petitioner and other co-accused persons, the brother of the informant received injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The parties are agantes and some free fight took place



between them and both sides came for treatment in the hospital. The informant side managed to get the false case lodged and got arrested the petitioner and others who went to see injured persons. In the FIR there is allegation that two persons stabbed the brother of the informant but there is only one injury on the hand and there is no specific allegation of assault against any person. The petitioner is not the resident of the village of the informant and he resides 20 km away. One of the co-accused persons is his friend and he went to see him when he was arrested and falsely implicated in this case. Police has not given the correct address in the column of the accused. The petitioner is having antecedent of one case in which police has submitted final form showing him to be innocent. The petitioner is in custody since 25.07.2025 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner and other co-accused persons for stabbing the brother of the informant and corresponding injury has been found.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and



further considering the period of custody of the petitioner and submission of charges sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned Court in connection with Raxaul P.S. Case No. 327 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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