

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80107 of 2025

Arising Out of PS. Case No.-79 Year-2025 Thana- MADHWAPUR District- Madhubani

1. Guriya Kumari Son of Gopal Nayak R/o Village - Madhwapur, Ward no. 7, P.S. - Madhwapur, Dist. - Madhubani, Bihar.
2. Kanhaiya Kumar @ Kanhaiya Nayak @ Chhotu Nayak Son of Gopal Nayak R/o Village - Madhwapur, Ward no. 7, P.S. - Madhwapur, Dist. - Madhubani, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-12-2025 Learned counsel for the petitioners is permitted to make necessary corrections in paragraph-3 of the bail application during course of day.

2. Heard Mr. Kundan Kumar, learned counsel for the petitioners and Mr. Mukesh Kumar Singh, learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Madhwapur P.S. Case No. 79 of 2025, F.I.R. dated 12.06.2025 for the offences punishable under Sections 115(2), 126(2), 76, 303(2), 352, 351(3), 3(5) of the Bharatiya Nyay Sanhita, 2023.

4. According to prosecution case, the informant



alleged that while she was going towards her filed through street road, the petitioners along with other co-accused persons came and started abusing the informant and assaulted her with lathi, danda and iron rod. On halla, son of the informant came to save, the accused persons assaulted him also and snatched a mangalsutra worth of Rs.1,20,000/- from the informant's neck.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties. From bare perusal of the FIR it appears that date of occurrence is 08.06.2025 and FIR was lodged on 12.06.2025 i.e. after delay of four days without giving any reason of delay. It appears from the FIR that FIR is in two parts, in first part there is general and omnibus allegation against the petitioners and in the second part there is specific allegation against petitioner no.2 that he assaulted to the son of the informant. Although son of the informant received injury but his injury report suggest that injury inflicted upon him is simple in nature caused by hard and blunt substance.

6. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is case and counter case between the parties and injury report of the injured person suggest that injury inflicted upon him is simple in nature, 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 Judicial Magistrate, First Class, Benipatti, Madhubani in connection with Madhwapur P.S. Case No. 79 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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