

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84367 of 2024**

Arising Out of PS. Case No.-265 Year-2024 Thana- TRIVENIGANJ District- Supaul

1. Ratan Sardar Son of Late Fanilal Sardar Resident of Village- Mirjawa Ward No. 09, P.S.- Triveniganj, Distt.- Supaul
2. Kumod Sardar Son of Late Badari Sardar Resident of Village- Mirjawa Ward No. 09, P.S.- Triveniganj, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Naresh Kumar Mehta, Advocate  
For the Opposite Party/s : Mr. Amitesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

3      24-01-2025                      Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in Triveniganj P.S. Case No. 265 of 2024, instituted for the offences punishable under Sections 117(3), 118(2), 352, 115(2), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, the petitioners along with other co-accused persons assaulted son of the informant due to which he sustained serious injuries and his left eye was ruptured and the became non-functional.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the petitioners and informant are co-villager and due to previous enmity they have falsely been implicated in this case. It is next submitted that the allegation levelled against the petitioners are general and omnibus in nature. The petitioners are in custody since 05.07.2024 and have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused have been granted regular bail by this Court vide order dated 24.10.2024 passed in Cr. Misc. No. 75566 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners and submitted that as per paragraph nos. 41 and 42 of the case diary, it appears that witnesses namely, Raushan Kumar Yadav and Arun Yadav have stated that petitioner no. 1 namely, Ratan Sardar has assaulted on the eye of son of the informant by means of iron rod due to which his left eye has been ruptured and became non-functional and as per paragraph no. 39 of the case diary it appears that petitioner no. 2 namely, Kumod Sardar gave order to the other co-accused persons to assault him. It is further submitted that



specific allegation of assault is against petitioner no. 1. Hence, petitioner no. 1 does not deserve the privilege of bail.

6. Considering the rival submissions made on behalf of the parties, taking into account the specific allegation against the petitioner no. 1, this Court is not inclined to grant bail to petitioner no. 1. So far as remaining petitioner, i.e. petitioner no. 2, is concerned, this Court is inclined to grant bail to petitioner no. 2.

7. Accordingly, the prayer for grant of bail to petitioner no. 1, namely, Ratan Sardar, is hereby, **rejected**.

8. So far as petitioner no. 2 is concerned, let the petitioner **(i.e. petitioner no. 2)**, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Triveniganj P.S. Case No. 265 of 2024.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

