

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81320 of 2025

Arising Out of PS. Case No.-147 Year-2025 Thana- TAJPUR District- Samastipur

1. Arvind Rai, Son of Baiju Rai, Resident of Village -Kasbe Aahar, PS -Tajpur, Distt -Samstipur
2. Pinki Devi, Daughter of Baiju Rai, Resident of Village -Kasbe Aahar, PS -Tajpur, Distt -Samstipur
3. Rashila Devi @ Rashila Kumari, Daughter of Baiju Rai, Resident of Village -Kasbe Aahar, PS -Tajpur, Distt -Samstipur
4. Indrashan Devi @ Indu Devi, wife of Baiju Rai, Resident of Village -Kasbe Aahar, PS -Tajpur, Distt -Samstipur
5. Baiju Rai, Son of Kamal Rai, Resident of Village -Kasbe Aahar, PS -Tajpur, Distt -Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-12-2025 Heard learned Advocate appearing on behalf of the

petitioners and the learned Additional Public Prosecutor for the

State.

2. The petitioners are apprehending their arrest in connection with Tajpur P.S. Case No. 147 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 117(2), 118(1), 109(1), 303(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly on the fateful day, the petitioners entered



into the room of the informant and started abusing with filthy language. It is specifically alleged that petitioner no. 5 assaulted the informant with a stick on her head, whereas petitioner no.1 assaulted by means of *lathi* over the hand of the informant, due to which her hand was broken. There is further allegation against petitioner no. 2, 3 and 4 of causing assault and snatching valuables.

4. Learned Advocate appearing on behalf of the petitioner submitted that the petitioners have none else but the in-laws. On account of a previous matrimonial dispute the name of the petitioners have been implicated in this case. So far the petitioner no. 5 is concerned, he happens to be father-in-law, whereas petitioner no. 1 is husband and only in order to wreck vengeance and put pressure, specific accusation has been levelled against them. The occurrence took place on 20.08.2025, however, finally the FIR was instituted on 30.08.2025 and, as such, the false implication of the petitioner cannot be ruled out, is the contention of the learned Advocate. There is a Complaint Case bearing no. 1370 of 2025 instituted by the petitioner's side against the informant and others.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits



that the reason of causing assault is writ large for the simple reason that prior to the institution of the present case, the informant had instituted a case against all the family members including the petitioners under Section 498A of the Indian Penal Code and when the petitioners have secured the bail, they again assaulted the informant. There is specific allegation against the petitioner no. 1 of causing assault over the hand of the informant, due to which she sustained a fracture injury. The delay in institution of the FIR has also been explained as her *fardbeyan* was recorded in the hospital by the Sub-Inspector of the Town P.S. Camp Sadar Hospital, however the same was sent belatedly to be concerned police station.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the nature of accusation against the petitioners, besides the genesis of the occurrence, let the **petitioner nos. 2, 3, 4 and 5** above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Additional Chief Judicial Magistrate I, Samastipur in connection



with Tajpur P.S. Case No. 147 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

7. So far the **petitioner no. 1** is concerned who happens to be husband of the informant and there is a specific allegation of causing assault which led to a fracture injury to the informant, this Court is not acceded to the prayer for anticipatory bail of the petitioner no. 1, accordingly the same stands **rejected**. However, he shall be at liberty to surrender and pray for a regular bail before the Court below, preferably within a period of four weeks' from today. In case the petitioner no. 1 surrenders, his prayer for bail shall be considered without being prejudice by the order of this Court.

(Harish Kumar, J)

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