

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81178 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- Balwahat District- Saharsa

1. Chhotu Rai, S/o Chandeshwari Rai, R/o Village - Saroja, Ward no. 11, P.S - Balwahat, District - Saharsa
2. Munna Rai, S/o Chandeshwari Rai, R/o Village - Saroja, Ward no. 11, P.S - Balwahat, District - Saharsa
3. Anil Rai @ Anil, S/o Late Bindeshwari Rai, R/o Village - Saroja, Ward no. 11, P.S - Balwahat, District - Saharsa
4. Meena Devi, W/o Anil Rai, R/o Village - Saroja, Ward no. 11, P.S - Balwahat, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2025 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 Balwahat P.S. Case No. 76 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 118(2), 109(1), 303(2), 352, 351(2) & (3) and 3(5) of the Bharatiya Nyaya Sanhita.

3. Allegedly in the night of the fateful day, the petitioners came at the house of the informant and started



abusing and when the same was forbade by the informant, petitioner no. 1 inflicted a knife blow upon his neck. In order to rescue the informant, when the other family members rushed to the place of occurrence, the petitioner no.1 also assaulted them by means of knife and thereupon petitioner no. 2 assaulted all of them by means of *lathi*, due to which they also sustained injuries. There is other allegation against the petitioner nos. 3 and 4 of causing assault to the family members of the informant, besides there is allegation of snatching Rs. 16,000/- against the petitioner no.1.

4. Learned Advocate appearing on behalf of the petitioners submitted that both the parties are members of the extended family and on account of previous enmity, they entered into a free fight, resulting to some unfortunate injuries. So far the injuries which are allegedly sustained to the informant and others, all of them have been found to be simple in nature, except one caused upon the informant on lumbosacral region, however the same is not specifically attributed to any of the petitioners. It is the contention of the petitioners that with respect to an occurrence which took place on 16.05.2025, the present FIR came to be instituted on 22.05.2025, without there being any plausible explanation for delay and, as such, the



exaggeration and false implication cannot be ruled out. Moreover, the petitioners are persons of fair antecedent and they undertake that they will fully cooperate in the proceeding of the Court and would not indulge in intimidating and threatening the witness and the informant.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that in the incident in question, altogether five persons have sustained injuries and there is a specific allegation against the petitioner nos. 1 and 2 of causing assault and, as such, their complicity in the crime cannot be denied.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the delay in lodging of the FIR, coupled with the simple nature of injury, except one inflicted upon the informant, which is not specifically attributed to any of the petitioners, besides their fair antecedent, let the petitioners 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 Chief Judicial



Magistrate, Saharsa in connection with Balwahat P.S. Case No. 76 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.

(Harish Kumar, J)

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