

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81438 of 2025

Arising Out of PS. Case No.-535 Year-2025 Thana- GARKHA District- Saran

Shyamdeo Rai @ Samdev Ray S/O Late Rajak Rai R/O Vill.- Pohiya, P.S-
Garkha, Dist- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh

For the Opposite Party/s : Ms.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-12-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Garkha P.S. Case No. 535 of 2025, registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 118(1), 109, 303(2), 352 of the BNS.

3. The allegation against the petitioner is of causing assault by means of *farsa* over the head of the informant leading to serious injury.

4. Learned Advocate for the petitioner referring to the FIR contended that the allegation of causing assault by means of *farsa* does not corroborate with the injury report, inasmuch as, the informant has sustained injury by means of hard object. The genesis of occurrence is nothing but a land dispute and moreover, there is no repetition of blow which, *prima facie*,



suggests that there was no ingredient to constitute offence under Section 109 of the BNS. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that in the said incidence, four persons have sustained injuries and nature of one of the injury caused upon the informant is still reserved.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the nature of accusation *qua* the injury report, besides the genesis of the occurrence and the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his 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 Judicial Magistrate, First Class, Saran at Chapra in connection with Garkha P.S. Case No. 535 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further conditions:



(i) that one of the bailors shall be the own/close family members of the petitioners,

(ii) that the petitioners would not indulge in intimidating the witnesses/informant or tampering with the evidence, and

(iii) that in case, the petitioners shall be found indulge in intimidating the informant/witnesses or tampering with the evidence, the informant shall be at liberty to file an application for cancellation of the bail of the petitioners.

(Harish Kumar, J)

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