

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83437 of 2025

Arising Out of PS. Case No.-155 Year-2025 Thana- KESARIA District- East Champaran

1. Baban Rai Son of Bodha Rai Resident of Village -Manohar Chhapra PS -Bijdhari Distt -East Champaran
2. Sonu Kumar Son of Baban Rai Resident of Village -Manohar Chhapra PS -Bijdhari Distt -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Kesariya P.S. Case No.155 of 2025 registered for the offences punishable under Sections 189(2), 126(2), 115(2), 118(1), 329(3), 74, 109, 303(2), 352, 351(2) and 190 of the BNS, 2023.

3. In the evening of the fateful day, all the FIR named accused persons, including the petitioners rushed to the house of the informant and started abusing. On protest being made, the accused persons tied *gamacha* over the neck of the informant and started dragging him. It is specifically alleged that petitioner no.1 assaulted the informant by means of *khukri* due



to which he sustained head injury. When the father of the informant came to his rescue, he was assaulted by the petitioner no.2 by means of a knife due to which he sustained injury in both of his hands. There are further allegation against other accused persons of causing assault and misbehaving with the family members of the informant.

4. Learned Advocate for the petitioners primarily taking this Court through the FIR contended that with respect to an occurrence which took place on 25.04.2025, the present FIR came to be instituted on 28.04.2025, without there being any plausible explanation for delay. Moreover, the injury which is allegedly sustained to the informant, the same has been found to be simple in nature. To support the aforesaid contention, the injury report has been placed on record as Annexure-2 to the bail application. There is no discussion with regard to the injury which is allegedly sustained to the informant's father and even for the sake of argument, it is accepted, the injury is on the hands, which is on a non-vital part. In fact, the father of the informant has not sustained any serious injury and, as such, there is no discussion in the impugned order. The petitioners are the men of fair antecedent and they undertake that they will fully cooperate in the proceedings of the Court.

5. On the other hand, learned Advocate for the State



vehemently opposed the bail application and submitted that these petitioners have brutally assaulted the informant and his father and there is corresponding injuries, which suggest their prime complicity.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the delay in lodging of the FIR, coupled with the nature of accusation qua the injuries as discussed in the impugned order, besides the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kesariya P.S. Case No.155 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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