

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85313 of 2025

Arising Out of PS. Case No.-238 Year-2025 Thana- CHIRAIYA District- East Champaran

Dipak Kumar Son of Yugal Rai @ Yugul Rai @ Yugul Ray @ Yugul Ray
Resident of Village - Raghopur, P.S. - Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-12-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending his arrest in connection with Chiraiya P.S. Case No. 238 of 2025, registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109, 119(1), 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. Allegedly in the morning of the fateful day while the informant was ploughing his field with a tractor alongwith his three brothers, in the meanwhile, altogether 29 named accused persons including the petitioner alongwith 5-7 unknown persons came there and objected to plough the land. When the



protest was made by the informant, all of them brutally assaulted the informant and his brothers, leading to serious injuries to all of them. It is specifically alleged that in course of incidence while the brother of the informant came to his rescue, co-accused Vipin Rai carrying a sharp edged spade has assaulted over the head of the informant's brother, due to which he sustained serious injury. There is further allegation of causing assault to the informant and others, besides the allegation of damaging the tractor and other articles.

4. Learned Advocate appearing on behalf of the petitioner taking this Court through the FIR contended that save and except the petitioner is said to be a member of the mob. No specific accusation has been levelled against the petitioner. There is no whisper with regard to any untoward activities committed by the petitioner. The land dispute is admitted, as is evident from the narratives of the FIR. Moreover, there is a counter version of the present case being Chiraiya P.S. Case No. 281 of 2025. It is lastly contended that with regard to an occurrence which took place on 31.05.2025, the present FIR came to be instituted on 04.06.2025. The petitioner though bears one criminal antecedent, however he is on bail in the said case.

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



that the petitioner has also actively participated in the crime in which one of the injured persons succumbed to the injuries later on.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the nature of accusation, besides the factum of case and counter case, coupled with the delay in lodging of the FIR, let the petitioner above named 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-1st Class, Sikrahna at Dhaka, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 238 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)

supratim/-

U		T	
---	--	---	--

