

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87949 of 2025

Arising Out of PS. Case No.-344 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Birendra Prasad Son of Late Sukdeo Prasad aged about 73 years Resident of
Village- Dhekhan (Dhekaha), Laxhman Tola, P.S.- Muffasil Motihari,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Abhay Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 22-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Muffasil Motihari P.S Case No. 344 of 2025 registered for the
offences punishable under Sections 126(2), 115(2), 118(1),
117(2), 109, 76, 352, 3(5) of the BNS.

3. As per allegation in the FIR, petitioner along with
other accused persons have assaulted the informant and her
husband with Iron rod, Bhala and lathi and Knife.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next
submits that petitioner had earlier lodged a case bearing



Muffasil Motihari P.S. Case No. 343 of 2025 in which the petitioner had suffered serious injuries and this case is a counter to the earlier case lodged by the petitioner. He further submits that petitioner is alleged to have assaulted the informant on her Chin and thereafter has assaulted Umesh Prasad with iron rod but injury report does not supports the allegation leveled against the petitioner. Moreover, petitioner and the informant are agents. He further submits that is an old person aged 73 years of age. He further submits that petitioner is in custody since 08.10.2025 having clean antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. Learned counsel for the informant vehemently opposes the prayer for bail.

7. On perusal of the FIR and impugned order dated 19.11.2025, it appears that Birendra Prasad (petitioner) first tied the informant and gave knife blow to her, thereafter when husband of the informant came to save her, petitioner assaulted him with iron rod in which hand of the informant's husband got fractured. It appears that petitioner is aged about 73 years and has used three weapons at once i.e., Gamcha, Iron rod and Knife to assault the informant and her husband which raises serious



doubt on the prosecution. So considering the nature of weapon used, nature of injury and the period of custody and the materials available on record, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil Motihari P.S. Case No. 344 of 2025.

(Ramesh Chand Malviya, J)

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