

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2127 of 2026

Arising Out of PS. Case No.-324 Year-2023 Thana- BHAGWAN BAZAR District- Saran

1. Banti Rai @ Ritesh Rai @ Nitesh Rai, S/O Shankar Rai, Resident Of Village - Naya Basti Ajaibgunj, P. S- Bhagwan Bazar, Dist- Saran at Chapra
2. Vikas Rai @ Vikesh Rai @ Vikas Kumar @ Vikas Kumar Rai, S/O Shanker Rai, Resident Of Village - Naya Basti Ajaibgunj, P.S- Bhagwan Bazar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhyachal Singh, Sr. Advocate with Mr. Ram Binod Singh, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-02-2026 Heard Mr. Vindhyachal Singh, learned senior counsel
for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Sessions Trial No. 296 of 2024 arising out of Bhagwan Bazar P.S. Case No. 324 of 2023 dated 06.08.2023 instituted for the offence punishable under Sections 302, 120B/34 of the Indian Penal Code.

3. As per the prosecution case, on the alleged date of occurrence, the petitioners along with other accused persons were constructing brick wall over the land which was measured previously. They were constructing brick wall beyond the measured land upon which the brother of the informant, namely,



Birju Rai objected. Thereafter, Ramesh Rai picked up a brick and hit the forehead of brother of the informant. Allegation against petitioner no. 1 is that he assaulted on the head of his brother with a Farsa due to which he sustained injury on the head. Allegation against petitioner no. 2 is that he assaulted on the hydrocele of the informant's brother by spade. On the way to the hospital, the brother of the informant died.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned senior counsel for the petitioner further submits that the specific allegation of assault on the head of the deceased is against Ramesh Rai. Allegation against Banti Rai (petitioner no. 1) is that he also inflicted Farsa blow on the head of the deceased and allegation against Vikas Rai (Petitioner No. 2) is that he assaulted the brother of the informant by spade. The post-mortem report does not corroborate the allegation levelled against the petitioner. The doctor opined four external injuries on the body of the deceased which are:- (i) Lacerated wound 3" x 5" over forehead with swelling and brain matter comes out. (ii) Fracture of all bones of face and mandible. (iii) Lacerated wound 1" x 1/2" on (Rt) side of cheek (iv) Bruises on anterior surfaces of chest wall caused by hard blunt substances. It is



further submitted that when the informant knew his mistake, he tried to improve the prosecution story in the subsequent statement during investigation as per the post-mortem report. Injury no. 1 mentioned in the post-mortem report fully corroborates the allegation levelled against Ramesh Rai. Charge has already been framed. Lastly, it has been submitted that the petitioner is in custody since 04.09.2023 having no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II, Saran at Chhapra in connection with Sessions Trial No. 296 of 2024 arising out of Bhagwan Bazar P.S. Case No. 324 of 2023.

(Khatim Reza, J)

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