

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4040 of 2026

Arising Out of PS. Case No.-459 Year-2025 Thana- BHAGWAN BAZAR District- Saran

Mantu Rai S/O Chatur Rai R/O Mohalla- Daulatganj, P.S.- Bhagwan Bazar,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Advocate
For the State : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2026 Heard Mr. Sanjay Kumar Verma, learned counsel for
the petitioner and Mr. Bharat Lal, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 04.09.2025, in connection with Bhagwan Bazar (Saran) P.S. Case No. 459 of 2025, F.I.R. dated 15.08.2025 registered for the offences punishable under Sections 103(1)/ 3(5) of B.N.S., 2023.

3. Allegation against the petitioner is that he along with other co-accused persons have assaulted the son of the informant with bricks on his head causing bleeding injury as a result of which he died at the spot.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has



not committed any offence as alleged in the F.I.R. Although the petitioner is named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that co-accused person namely Ravi Prakash @ Doctor was arrested and his confessional statement was recorded in paragraph-22 of the case diary who happens to be son of the petitioner in which he has not stated anything about the petitioner and the petitioner has been made accused merely on the ground that he is father of co-accused Ravi Prakash @ Doctor. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.09.2025.

5. Learned counsel for the Informant and learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate-II, Chapra in connection with Bhagwan Bazar (Saran) P.S. Case No. 459 of 2025, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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