

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14736 of 2026

Arising Out of PS. Case No.-398 Year-2025 Thana- KESARIA District- East Champaran

Awadh Rai @ Avadya Ray S/o Mokhtar Rai R/o Village - Bairiya, P.S -
Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Suraj Kumar Tiwari, Advocate
For the Opposite Party/s :	Mr. Nand Kumar, APP
For the Informant :	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-04-2026 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioner is apprehending his arrest in connection with Kesariya P.S. Case No. 398 of 2025 registered for the alleged offence under Sections 189(2), 126(2), 115(2), 117(2), 109, 303(2), 352, 351(2) and 190 of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, petitioner and other co-accused persons armed with *lathi*, *danda* and iron rod welded to the chain ring of bicycle, assaulted the informant causing a number of injuries to him including three fractures on the hands of the informant. The informant was assaulted as he was witness of Kesariya P.S. Case No. 30 of 2025. When the informant was taken to hospital, he was again assaulted by these persons.



04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The name of the petitioner has been dragged in the present case merely because he is a family member of the accused side of Kesariya P.S. Case No. 30 of 2025. Learned counsel further submits that the alleged occurrence took place on 18.07.2025, written report was given on 16.08.2025 and FIR was lodged on 29.08.2025, though date of occurrence has wrongly been mentioned in the FIR as 18.08.2025. There is no explanation of this inordinate delay. However, delay goes on to show the afterthought and false implication of the petitioner who is having clean antecedent. Learned counsel further submits that there is no serious injury on the informant as the injury found on the informant is one scalp wound on upper left side of size 6cm x 1 cm and dimension of injury shows it is only a laceration. Learned counsel further submits that though it has been alleged in the FIR that two persons were apprehended from the hospital but they were apprehended in some other case and, moreover, this petitioner was not apprehended from the hospital, which means he was not present there. The petitioner is having clean antecedent.

05. Learned APP for the State as well as learned



counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against the petitioner that he assaulted the informant with chain ring of bicycle on his head and injury has been found over the scalp of the informant apart from other injuries. The opinion has been reserved regarding the nature of injury.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner and delay in filing the written report and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, East Champaran, Motihari/court concerned in connection with Kesariya P.S. Case No. 398 of 2025, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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