

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18177 of 2026

Arising Out of PS. Case No.-322 Year-2025 Thana- SILAO District- Nalanda

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1. Birmani Rajak @ Virmani Rajak Son of Late Balak Rajak
 2. Sita Devi Wife of Birmani Rajak @ Virmani Rajak
Both Resident of Gandhupur, Paghostwan, P.S.- Sibbo, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2026 Heard Mr.Binay Kumar, learned counsel for the

petitioners and Mr.Aditya Narayan Singh-1, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Silao P.S. Case No. 322 of 2025, F.I.R. dated 31.10.2025 registered for the offence punishable under Sections 190, 191(2), 191(3), 109(1), 126(2), 115(2), 74, 303(2) and 351(3) and 352 of BNS.

3. The prosecution case in brief is that the informant namely Veena Devi stating therein that on 31.10.2025 at about 8.30 my land is situated at Gandhupur Thana No. 467, which Khata No. 32, Kheshra No. 1084 is my father-in-law property, in which, Title Suit No. 490 of 2022 is pending in the Court. On



getting information Veena Devi, one of my maternal uncles attacked one with lathi, danda, pistols butt, then my family members came after getting the information, they also killed one and snatched the gold chain. They were with her, in which the injured persons broke Veena Devi's hand, broke her head with the butt of the pistol, broke Nibha Devi's leg and broke her head, took away two bhar of gold chain and also took away Veena Devi's gold chain. All of them together attacked with Hathiyar, lathi, danda and pistols and caused bloodshed. Even before this there was a dispute whose case number is 111 of 2025 which is registered in Silao Police Station.

4. Learned counsel appearing for the petitioners submits that petitioner No.1 has clean antecedent and petitioner No.2 carries one more case other than the present one and he is on bail in the said case. From a bare perusal of the FIR it appears that due to admitted land dispute the present occurrence had taken place. Further submits that although the petitioners are named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. There is case and counter case. Although the



informant has received the injuries but the injury report of some of injured person suggests that the injury is simple in nature and one of the injuries of the injured person, namely, Veena Devi, is grievous in nature but from a bare perusal of that injury it appears that the injury is grievous due to fracture in hand which is not a vital part of the body.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Silao P.S. Case No. 322 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient



reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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