

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22225 of 2026

Arising Out of PS. Case No.-845 Year-2025 Thana- AMARPUR District- Banka

1. Prakash Rai S/o Ramcharan Rai R/o Village - Itwa Sadpur, P.S - Amarpur, District - Banka
2. Shankaj Rai S/o Late Sukdeo Rai R/o Village - Itwa Sadpur, P.S - Amarpur, District - Banka
3. Kedar Rai @ Kedar Ray S/o Godan Rai R/o Village - Itwa Sadpur, P.S - Amarpur, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2026 Heard Mr. Brij Nandan Prasad, learned counsel for the petitioners as well as Mr. Murli Dhar, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail in connection with Amarpur P.S. Case No. 845 of 2025, F.I.R. dated 23.11.2025 for the offences punishable under Sections 126(2), 115(2), 109(1), 76, 352, 351(2), 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, on 23.11.2025, when the informant was present in his house, in the meantime, petitioners came and assaulted him by means of lathi, iron rod and khanti.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they falsely been implicated in the present case. It appears from FIR itself that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties. Although the petitioners are named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act against them rather there is general and omnibus allegation against petitioners and the injury report of the injured persons suggest that injury inflicted upon them is simple in nature caused by hard and blunt substance and similarly situated co-accused persons, namely, Siyaram Rai & others have been granted the privilege of anticipatory bail by the co-ordinate Bench of this Court vide order dated 02.04.2026 in Cr. Misc. No. 18784 of 2026. The police after investigation submitted charge-sheet and the petitioner no.1 in custody since 25.11.2025 and petitioner nos.2 & 3 are in custody since 29.11.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is case and counter



case between the parties and injury inflicted upon injured persons is simple in nature and similarly situated co-accused persons have been granted the privilege of anticipatory bail by the co-ordinate Bench of this Court, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 845 of 2025, subject to the 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 bond 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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