

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22642 of 2026

Arising Out of PS. Case No.-74 Year-2025 Thana- Garahara District- Begusarai

1. Chhotu Kumar S/o- Ganesh Shah Resident of village- Rajwara Bhiltta Durgasthan PS- Garhara Distt-Begusarai
2. Kishan Kumar S/o- Yogi Singh R/v- Dhamara Ps- mansi Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2026 Heard Mr. Madhav Kumar, learned counsel for the petitioners as well as Mr. Akshay Lal Pandit, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail who is in custody since 20.12.2025 in connection with Garhara P.S. Case No. 74 of 2025, F.I.R. dated 05.10.2025 for the offences punishable under Sections 190, 189(4), 333, 115(2), 117(2), 118(1), 109(1), 303(2), 351(2)(3), 352 of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, on 03.10.2025 at about 12:30 P.M, when informant and her husband was at her house, all of a sudden, the petitioners along with other co-accused persons entered the informant's house and assaulted her husband by means of iron rod, lathi etc. It is further alleged that



one of the accused persons assaulted the informant and snatched Mangalsutra from her neck and pulled her saree.

4. Learned counsel for the petitioners submits that petitioners are innocent and they falsely been implicated in the present case. Although there is specific allegation against the petitioners that they assaulted the informant and her husband but there was no intention to kill anyone and the alleged incident happened due to spur of moment. It appears from the FIR that date of the occurrence was on 03.10.2025 but the FIR was lodge on 05.10.2025 i.e. after delay of two days without giving any reason of delay and the petitioners are in custody since 20.12.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner no.1 has got one criminal antecedent in which he is on bail and petitioner no.2 has clean antecedent.

6. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate, First Class, Begusarai in connection with Garhara P.S. Case No. 74 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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