

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33818 of 2026

Arising Out of PS. Case No.-367 Year-2025 Thana- KOTWA District- East Champaran

1. Radha Rai S/o Late Chhathu Rai Resident of Vill- Mahmada, P.S.-Piprakothi, Dist- East Champaran
2. Sripati Devi W/o Radha Rai Resident of Vill- Mahmada, P.S.-Piprakothi, Dist- East Champaran
3. Satyendra Rai S/o Radha Rai Resident of Vill- Mahmada, P.S.-Piprakothi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sitesh Kashyap

For the Opposite Party/s : Mrs. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 20-05-2026 Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

2. The petitioners are apprehending their arrest in connection with Kotwa P.S. Case No. 367 of 2025, FIR dated 06.10.2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 76, 352, 351(2), 3(5) and subsequently Section 103 of the Bharatiya Nyaya Sanhita was also added.

3. As per the FIR, the petitioners and other co-accused persons brutally assaulted the informant's side by means of deadly weapons, due to which they sustained injuries. It is alleged that the father of the informant was also assaulted by the accused persons and, as a result thereof, he died during the course of treatment.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the specific allegation of overt act is against the co-accused, Mukesh Kumar, who is alleged to have assaulted the informant, his brother and sister-in-law. It is further submitted that although the father of the informant died during the course of treatment, no allegation has been made against the present petitioners regarding assault upon the deceased and the said submission has not been controverted by the learned APP for the State. It is further submitted that the co-accused, Mukesh Kumar, has already been granted regular bail. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the fact that there is no specific allegation attributed against the petitioners and also taking into account that the petitioners are old-aged persons, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the



like amount each to the satisfaction of the learned J.M. 1st Class, Motihari, East Champaran/Successor Court in connection with Kotwa P.S. Case No. 367 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative/ known of the petitioner(s) who shall provide official document/ personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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