

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39955 of 2026

Arising Out of PS. Case No.-44 Year-2026 Thana- RAJPUR District- Rohtas

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1. Baban Singh @ Baban Yadav son of Late Vishwanath Singh Resident of Village- Baligaon PS -Rajpur Dist -Rohtas
 2. Uttam Singh Son of Baban Singh @ Baban Yadav Resident of Village- Baligaon PS -Rajpur Dist -Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-07-2026 Heard Mr. Babu Nandan Prasad, learned counsel for the petitioners as well as Mr. Uday Chand Prasad, learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are custody since 12.03.2026 in connection with Rajpur Excise P.S. Case No. 44 of 2026 for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 303(2), 109, 352 and 3(5) of BNS.

3. According to prosecution case, the informant alleged that on 10.03.2026 petitioner no.1, Baban Singh blazed fire in Gaushala (cow-shade) of informant for which she informed police thereafter Baban Singh and his associates assaulted the entire family with danda, rod and Rama and



further states that the Baban singh and his son pressed to withdraw earlier case. That the Prosecutrix further alleged that her younger daughter-in-law Gita Devi was assaulted and her gold chain and Jitiya was broken and elder brother of Baban Singh namely Uttam Kumar Singh, who is petitioner no.2 snatched chain and her elder son Raju sustained head injury and 14 stitches were given, head of younger son was torn due to assault of danda, Puja and Muskan who were neighbour of informant also assaulted.

4. Learned counsel for the petitioners submits that petitioners are innocent and they falsely been implicated in the present case. It appears from the FIR that due to some petty dispute (previous dispute) the present occurrence has taken place and there is case and counter case between the parties. From bare perusal of the FIR it appears that there is no specific allegation of assault or overt act against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and injury inflicted upon the injured persons is simple in nature except one injury which is grievous in nature due to fracture in finger. He next submits that similarly situated co-accused person, namely, Amit Kumar has been granted the privilege of bail by this Court vide order dated



06.05.2026 in Cr. Misc. No. 30653 of 2026. The police after investigation submitted charge-sheet against the petitioners and the petitioners are in custody since 12.03.2026.

5. The learned learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that both the petitioners carry one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or overt against the petitioners and similarly situated co-accused person has been granted the privilege of bail by 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 Judicial Magistrate, 1st Class, Bikramganj, Rohtas in connection with Rajpur Excise P.S. Case No. 44 of 2026, 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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