

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45072 of 2026

Arising Out of PS. Case No.-191 Year-2026 Thana- CHHATAUNI District- East Champaran

1. Vijay Mali S/O Late Gulam Mali
2. Vicky Kumar @ Krishna Kumar @ Vicky Mali S/O Bhola Mali
Both are R/o Village- Chhautani, P.S.- Chhatauni, Distt- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Dhannjay Kumar No 2, Advocate
For the Informant/s	:	Mr. Kuldeep Kumar, Advocate
	:	Mr. Aditya Raj, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Chhatauni

P.S. Case No.191 of 2026 registered under Sections 126(2),

115(2), 118(1), 109, 303(2), 117(2), 352, 351(2) and 3(5)

of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS').

3. As per FIR, petitioners along with co-accused

persons alleged to assault the informant during the

occurrence causing head injuries. It is alleged that the

assault was made with intention to cause death of the



injured, where occurrence is alleged to be arising out of previous enmities for which son-in-law of the informant also lodged a case against the petitioners' side, which was registered as Chiraiya P.S. Case No.208 of 2026.

4. It is submitted by learned counsel appearing for the petitioners that the allegation of assault during the occurrence is specifically available against Saheb Mali and Rekha Devi. It is further submitted that petitioner no.1, namely, Vijay Mali only alleged for instigating/ordering, other co-accused persons to assault informant and others during the occurrence, whereas the allegation against petitioner no.2, namely, Vicky Kumar is to take out Rs.5000/- from the pocket of the son of the informant. Explaining criminal antecedent, it is submitted that petitioner no.2 is a man of clean antecedent whereas, the petitioner no.1 found involved in one more criminal case lodged by son-in-law of the informant as submitted aforesaid, where he is on bail.

5. Learned APP duly assisted by the learned counsel for the informant, Mr. Kuldeep Kumar & Mr. Aditya Raj, while opposing the prayer of bail submitted that the



petitioners were actively participated during the occurrence, where the informant and his son received grievous injuries during the occurrence.

6. In view of aforesaid factual submissions and by taking note of fact, as the allegation of assault is not available against both above-named petitioners accordingly, both above-named petitioners, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, 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 C.J.M., Motihari, East Champaran in connection with Chhatauni P.S. Case No.191 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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