IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54885 of 2026

CNR No. BRHC010694392026

Arising Out of PS. Case No.-781 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

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RAUSHAN KUMAR @ RAUSHAN RAI S/o VIJAY RAI @ VIJAY KUMAR @ VIJAY KUMAR RAY R/o vill - Lawapur, P.S.- Mahnar, Distt.- Vaishali, at present Vill - Hasanpur Surat Rout tola, P.S.- Patori, Distt.- Samastipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kedar Jha, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 23-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Patori P.S. Case No. 781 of 2023 registered for the offences punishable under Sections 147, 148, 149, 323, 341, 324, 307, 302 and 427 of the IPC.

3. As per prosecution case, younger brother of the informant went to participate in the marriage party at village Taradhamaun and on account of playing D.J. sound, dispute raised between the marriage party and others(hosts) but the same was pacified. It is alleged that after taking dinner, the marriage party reached near Taradhamaun school to Sirdilpur

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Pulia, 12 persons including the petitioner armed with sharp cut weapon surrounded the marriage party and assaulted them due to which younger brother of informant sustained injury and five other persons of marriage party also sustained injury. It is alleged that four motorcycles, one Bolero and one Scorpio were also damaged in the alleged occurrence.

4. Learned counsel for the petitioner submits that informant is not the eye witness of the alleged occurrence. He further submits that through the address of petitioner, as mentioned in bail petition, it is clear that he is the resident of a particular village which is different from the resident village of the informant. It is very difficult to assume that how the name of the petitioner has been reflected after three days of the occurrence though occurrence took place on 26.12.2003 and the FIR has been lodged on 29.12.2023 i.e, after inordinate delay of three days which questions the authenticity of the FIR. He further submits that the name of the petitioner came to fore after three days which clearly denotes that how the allegation has been framed by adding the name of the petitioner in the present prosecution story. There is no specific overt act against the petitioner as there are 12 persons along with 25 unknown persons are alleged to have assaulted the younger brother of the

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informant and others. In the light of the aforesaid facts and circumstances of the case, no offence, as alleged in the FIR, is made out against the petitioner. He further submits that petitioner was not the invitee of marriage ceremony from either side. There was no occasion for the petitioner to proceed or participate in a particular village as the petitioner is the resident of another village. He further submits that there was rivalry between two sides and the allegation has been framed against the petitioner in order to suit the prosecution story. Petitioner has nothing to do with the alleged occurrence. Learned counsel orally submits that even *post mortem* report of the deceased is not in consonance with the allegation made in the FIR. He further submits that co-accused Vishal Kumar has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 19214 of 2025 and the case of present petitioner stands more or less on similar footing as petitioner has suffered more than nine months in jail custody as he is in custody since 11.02.2026. Petitioner bears criminal antecedent of seven cases in which he is on bail except the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the

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prayer for bail of the petitioner and submits that petitioner is FIR named accused person and he cannot escape from the allegation made in FIR. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted anticipatory bail by the Co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Shahpur Patori, Samastipur in connection with Patori P.S. Case No. 781 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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