IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67367 of 2026

CNR No. BRHC010956442026

Arising Out of PS. Case No.-230 Year-2026 Thana- BARHARIA District- Siwan

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1. Rajnish Kumar S/o Mokhtar Ram @ Mukhtar Ram, R/o village- Shivrajpur, P.S.- Barhariya, Dist. Siwan.
2. Manish Kumar S/o Mokhtar Ram, R/o village- Shivrajpur, P.S.- Barhariya, Dist. Siwan.

... ... Petitioners

Versus

The State of Bihar

... ... Opposite Party

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with

CRIMINAL MISCELLANEOUS No. 69744 of 2026

CNR No. BRHC010956442026

Arising Out of PS. Case No.-230 Year-2026 Thana- BARHARIA District- Siwan

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Chhathu Manjhi S/o Banauri Manjhi, R/V- Shivrajpur, PS- Barharia, Distt- Siwan.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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with

CRIMINAL MISCELLANEOUS No. 77749 of 2026

CNR No. BRHC010956442026

Arising Out of PS. Case No.-230 Year-2026 Thana- BARHARIA District- Siwan

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Awadhesh Chaudhary @ Awadesh Chaudhary Son of Driver Chaudhary @ Driver Yadav, Resident of Village- Shivrajpur, P.S.- Barharia, District- Siwan

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 67367 of 2026)

For the Petitioners	:	Mr. Ashok Kumar, Advocate
		Mr. Irshad Ahmad, Advocate
For the State	:	Mr. Tapeshwar Sharma, APP
For the OP No. 2	:	Mr. Nafisuzzoha, Advocate
		Mr. Nasar Iqbal, Advocate
		Mr. Gulistan Naz Tabassum, Advocate

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Mr. Bal Govind Sharma, Advocate
Mr. Shabina Talat, Advocate
(In CRIMINAL MISCELLANEOUS No. 69744 of 2026)
For the Petitioner : Mr. Ashok Kumar, Advocate
Mr. Irshad Ahmad Khan, Advocate
For the State : Mr. Sangeeta Sharma, APP
For the OP No. 2 : Mr. Nafisuzzoha, Advocate
Mr. Nasar Iqbal, Advocate
Mr. Gulistan Naz Tabassum, Advocate
Mr. Bal Govind Sharma, Advocate
Mr. Shabina Talat, Advocate
(In CRIMINAL MISCELLANEOUS No. 77749 of 2026)
For the Petitioner : Mr. Ashok Kumar, Advocate
Mr. Irshad Ahmad Khan, Advocate
Mr. Shambhu Prasad Yadav, Advocate
For the State : Mr. Upendra Kumar, APP
For the OP No. 2 : Mr. Nafisuzzoha, Advocate
Mr. Nasar Iqbal, Advocate
Mr. Gulistan Naz Tabassum, Advocate
Mr. Bal Govind Sharma, Advocate
Mr. Shabina Talat, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

4 04-11-2026 All the criminal miscellaneous petitions have arisen out of the same police station case number, hence they are being heard together and decided by a common order.

2. Heard learned counsel for the petitioners, learned counsel for the OP No. 2 / informant and learned A.P.P. for the State.

3. In the present case, the petitioners seek bail in connection with Barhariya P.S. Case No. 230 of 2026 dated 30.05.2026, registered for the offences punishable under Sections 103(1) and 3(5) of the B.N.S., 2023.

4. As per the prosecution case, the petitioner Chathu Manjhi and other co-accused persons came to the doors of the informant and took away her husband Shehzad Ali. After

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four hours, the informant got the news of death of her husband. When she reached the spot, she found a number of injuries on her husband. The informant further alleged that her husband was tied with a tree and thereafter assaulted by *lathi* and *danda*.

Cr. Misc. No. 67367 of 2026:

5. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. Petitioners are not named in the FIR and their name came up in this case during investigation though nothing incriminating has been found against these petitioners. Learned counsel further submits that there is general and omnibus allegations against a large number of persons including these petitioners for assaulting and causing death of the husband of the informant. But the true fact of the case is that the husband of the informant was assaulted by the villagers on the allegation of committing theft of mobile phone. He was tied with a tree and was assaulted by the villagers who left him in the injured condition, from where he was taken to the hospital by the police and he died on being taken to the hospital. Learned counsel next submits that petitioners are having clean antecedent and chargesheet has been submitted. Learned

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counsel lastly submits that petitioners are in custody since 03.06.2026.

Cr. Misc. No. 69744 of 2026:

6. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submits that the petitioner is aged about sixty years and is a co-villager of the informant having clean past and was not involved in the assault of the husband of the informant in any manner, still he has been made accused in this case. The allegation against the petitioner is not specific and it is general and omnibus against a number of persons. It is apparent that the informant is not an eyewitness to the alleged occurrence and her husband died in a suspicious case of assault by villagers. No material has come up against the petitioner that he is also involved in the alleged occurrence, except the allegation made by the informant that he and other co-accused persons took away the husband of the informant. Learned counsel lastly submits that petitioner is in custody since 07.06.2026 and chargesheet has been submitted.

Cr. Misc. No. 77749 of 2026:

7. Learned counsel appearing on behalf of the

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petitioner submits that petitioner is innocent and has falsely been implicated in the present case. The petitioner is not named in the FIR and the name of the petitioner transpired in this case during investigation. He was arrested merely on the basis of suspicion and his confessional statement was recorded but the said statement is has got no legal sanctity. During investigation a number of persons were examined who stated that the deceased had stolen the mobile phone of one Amit Chaudhary which was recovered from him and thereafter the villagers caught hold of him and beat him after tying him to a tree. Later on police came and took away the husband of the informant to the hospital and he died during the course of treatment. The informant is not herself the eyewitness to the alleged occurrence. Learned counsel next submits that petitioner is having clean antecedent and chargesheet has been submitted. Learned counsel lastly submits that petitioner is in custody since 02.06.2026.

8. Learned A.P.P. appearing on behalf of the State as well as the learned counsel for the informant vehemently oppose the submissions made on behalf of the petitioner. Learned counsel for the informant submits that it is a case of mob lynching as husband of the informant was taken by

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petitioner Chathu Manjhi and other co-accused persons and thereafter he was brutally assaulted which resulted in his death. All the petitioners are involved in the said occurrence and confessional statement of some of them have also been recorded. Learned counsel further submits that the *post-mortem* report mentions the injury which resulted in the death of the husband of the informant.

9. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioners and also considering the background of the case and possibility of false accusation and further considering submission of chargesheet against the petitioners and their period of custodies, the petitioners, above-named, are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan / concerned Court, in connection with **Barhariya P.S. Case No. 230 of 2026**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

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(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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