IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68958 of 2026

CNR No. BRHC010970932026

Arising Out of PS. Case No.-64 Year-2025 Thana- LAUKAHA District- Madhubani

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Md. Riyaj @ Md. Riyj son of Md. Kaila @ Ahmad Hasan Resident of Village- Taphanpur @ Taphanpun, Tufanpur, Jhanjhapatti, PS- Khutauna Distt -Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner : Mr. Madhav Kumar, Advocate
For the State : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

3 06-11-2026 Heard the learned counsel for the petitioner and the learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Laukha P.S. Case No.64 of 2025 for allegedly having committed offence under Sections 126(2), 115(2), 118(1), 110, 352 and 3(5) of the B.N.S. as well as Sections 3 and 4 of the Prevention of Witch (Daain) Practices Act.

3. As per the prosecution story, which has been lodged on the basis of the *fardbeyan* given by the informant, to the effect that on the date of occurrence, all the accused persons, including the petitioner came armed with a *Tengari* and started using filthy language against the informant and thereafter started

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assaulting her with sticks, fists and slaps. It has been specifically alleged that the petitioner, who was armed with a *Tengari*, assaulted on the head of the informant, due to which she sustained injuries and fell down on the ground. When the family members of the informant came there, all the accused persons fled from there and the informant was taken for treatment at Primary Health Center, Khutauna, however, she was referred to Sadar Hospital at Madhubani for better treatment.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He submits that earlier the petitioner moved for anticipatory bail vide Criminal Miscellaneous No.4415 of 2026, however, the same was rejected vide order dated 22.04.2026 passed by an Hon'ble Single Judge of this Court. He next submits that there is an inordinate delay of three days in recording the *fardbeyan* and further there is delay of ten days in registration of the first information report, which has not been explained. He submits that so far the allegation against the petitioner is concerned, the same is that the petitioner assaulted the informant with a *Tengari* on her head, however, the injuries sustained by the informant has been found to be simple in nature by the treating doctor. He next submits that there was a free fight in between

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the parties, in which the petitioner also sustained minor injuries. He submits that the petitioner suo motu surrendered before the learned Trial Court on 07.07.2026 and since then he is languishing in judicial custody.

5. *Per contra*, the learned APP appearing on behalf of the State, while opposing the prayer for bail of the petitioner, submits that specific allegation of assault on the head of the informant with a *Tengari* has been levelled against the petitioner, therefore he does not deserve the privilege of bail.

6. Having considered the rival submissions and after going through the records, it transpires that specific allegation of assault on the head of the informant has been levelled against the petitioner with a *Tengari*. From the case diary and the injury report appended thereto, it would transpire that the doctor at C.H.C., Khutauna has opined the injuries sustained by the informant to be simple in nature, on the basis of the injury report of Sadar Hospital at Madhubani.

7. Considering the allegations, the nature of injury and the period under custody, let the petitioner above-named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jhanjharpur in connection

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with Laukha P.S. Case No.64 of 2025 with a condition that:

(i) The learned court concerned shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court concerned shall take steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J.)

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