

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76865 of 2025

Arising Out of PS. Case No.-308 Year-2025 Thana- RAXAUL District- East Champaran

1. Asha Devi @ Asha Arya W/o Narayan Kumar R/o Village - Arya Samaj Road @ Ashram Road, Ward no. 10, P.S - Raxaul, District - East Champaran, Motihari
2. Narayan Kumar S/o Mahaveer Prasad R/o Village - Arya Samaj Road @ Ashram Road, Ward no. 10, P.S - Raxaul, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shamir Mehra, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-01-2026 Heard Mr. Shamir Mehra, learned counsel for the petitioners and Mr. Choubey Jawahar, learned Additional Public Prosecutor for the State.

2. The petitioners seeks bail, who are in custody since 23.07.2025 in connection with Raxaul P.S. Case No. 308 of 2025, F.I.R. dated 09.07.2025 for the offences punishable under Sections 126(2), 118(1), 109, 3(5) of the B.N.S.

3. According to prosecution case, petitioners and other co-accused persons armed with deadly weapons are alleged to have assaulted the informant and her husband due to which they sustained injuries.

4. Learned counsel for the petitioners submits that petitioners are innocent and the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not



committed any offence as alleged in the F.I.R. Although, the petitioners are named in the F.I.R., but from a bare perusal of F.I.R., it appears that the specific allegation of assault is attributed against co-accused person, namely, Dipu Kumar who has assaulted with knife on the chest and back side of ear of the informant and there is no specific allegation of any assault or overt act attributed against these petitioners rather the allegations are general and omnibus against them. Both the parties are agnates. He further submits that the police after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 23.07.2025.

5. Learned APP has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners carries one more criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of any assault or overt act attributed against the petitioners rather the allegation of assault is attributed against co-accused person, namely, Dipu Kumar, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka,



East Champaran in connection with Raxaul P.S. Case No. 308 of 2025, with 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 antecedent, 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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