IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74475 of 2026
CNR No. BRHC011089212026

Arising Out of PS. Case No.-418 Year-2026 Thana- MOTIHARI MUFASIL District- East Champaran

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Surendra Rai Son of Late Bishun Rai Resident of Village- Bankat Tola Bhitha, Ward No. 42, P.S.- Muffasil, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 118(2), 109, 303(2), 352, 351(2) and 3(5) of the B.N.S.

3. Petitioner along with other accused persons are said to have assaulted the informant on her head with an iron rod and also snatched a golden *mangalsutra*.

4. Learned counsel for the petitioner submits that the narration of facts in the FIR itself would indicate that the incident took place upon a dispute with regard to storing and drainage of dirty water in front of the house of the informant which was objected to. It is submitted that both the parties are next door neighbors and the altercation occurred at the spur of

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the moment with no premeditation, as such, no offence under Section 109 of the B.N.S. would be attracted. Moreover, the injury as indicated in the bail rejection order is in the nature of one lacerated wound caused by hard and blunt substances which does not appear to be serious in nature. Further, petitioner undertakes to cooperate in the investigation.

5. Learned APP for the State opposed the prayer for bail on the ground of one criminal antecedent. In response, it has been submitted that he is on bail in the said case.

6. Taking into consideration the facts and circumstances and also consideration of trivial nature of dispute between the neighbors leading to the present case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 lower Court where the case is pending/successor Court in connection with Muffasil P.S. Case No.418 of 2026, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, subject to further conditions that:

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(i) One of the bailors would be family members/close relative of the petitioner.

(ii) The petitioner would cooperate investigation/trial.

(Soni Shrivastava, J)

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