

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77083 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- BAIRGACHHAI District- Araria

Shiva Kumar Choudhary Son of Vidyanand Choudhary Resident of Village -
Manikpur, Ward no. 08, Police Station - Bairstachhi, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Advocate
For the State	:	Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 02-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Bairstachhi P.S. Case No. 90 of 2025 instituted for the offence
under Sections 126(2), 115(2), 118(1), 109, 303(2), 76, 352,
351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that on 20.08.2025, all
FIR-named accused persons, including the petitioner, allegedly
assaulted the informant with deadly weapons, causing serious
injuries, and snatched cash and a mobile phone. It is further
alleged that they assaulted the informant's wife and son,
attempted to kill them, looted cash and ornaments from the
house.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.08.2025. Petitioner bears one criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. As per the FIR, petitioner allegedly assaulted the informant by means of *dabiya* on his head, due to which he sustained grievous injury. It is submitted that there is subsisting land dispute between the parties. There is case and counter case between the parties. Police upon completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being case and counter case between the parties and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bairgachhi P.S. Case



No. 90 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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