

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77013 of 2025

Arising Out of PS. Case No.-332 Year-2025 Thana- KESARIA District- East Champaran

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Lavkesh Kumar Son of Vishwanath Sahni Resident of Village- Sundrapur
Malahi Tola, P.S.- Bijdhari, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Ray, Advocate

Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-01-2026 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and Mr. Anil Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
19.07.2025 in connection with Kesariya P.S. Case No. 332 of
2025, F.I.R. dated 18.07.2025 for the offences punishable under
Sections 103(1), 3(5) of the B.N.S.

3. According to prosecution case, petitioner and other
co-accused persons are alleged to have assaulted the informant's
father with brick due to which he sustained injuries on his
testicle.

4. Learned counsel for the petitioner submits that
petitioner is innocent and the allegation as alleged in the F.I.R.
is false and fabricated and petitioner has not committed any
offence as alleged in the F.I.R. From a bare perusal of FIR it



appears that the informant is not an eye-witness of the alleged occurrence and date of occurrence as alleged in the FIR is 16.07.2025 but the present F.I.R. has been instituted on 18.07.2025 and before lodging of the F.I.R., postmortem was conducted on 17.07.2025 which suggest that postmortem was conducted before lodging of the present F.I.R. and the allegation as alleged in the F.I.R. does not support by the medical evidence. He further submits that the police after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.07.2025.

5. Learned APP has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, East Champaran, Motihari in connection with Kesariya P.S. Case No. 332 of 2025, with the following conditions:



i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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