IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79664 of 2026

CNR No. BRHC011164972026

Arising Out of PS. Case No.-319 Year-2025 Thana- BELHAR District- Banka

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Sarvan Rajak @ Sarvan Kumar @ Shrawan Rajak So of Mithilesh Rajak Resident of Village- Barhoniya, P.S.- Belhar, District- Banka.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Shashi Saurabh, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner as well as learned A.P.P. on behalf of the State.

2. The petitioner has been made an accused in a case registered for the offences punishable under Sections 126(2), 115(2), 351(2), 74, 352, 117(2), 303(2) and 3(5) of the B.N.S.

3. As per the allegations made in the F.I.R., three accused persons, namely, Mithilesh Rajak, Punam Devi and the petitioner have allegedly assaulted the informant. The allegation against Mithilesh Rajak is of assaulting the informant on his head with an iron rod, whereas the allegation against the remaining accused persons, including the petitioner, is of general assault.

4. Learned counsel for the petitioner submits that the

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petitioner is a member of the alleged mob and no specific allegation of assault having been assigned to him. It is further submitted that the specific allegation of assault has been attributed to Mithilesh Rajak, who allegedly assaulted the informant on his head with an iron rod. It is further submitted that the injury nos. 1 and 2 upon teeth and head have been found to be grievous in nature, whereas injury no. 3 has been found to be simple in nature while other members of the prosecution party sustained simple injuries. It is submitted that the aforesaid allegations have not been attributed to the petitioner. Learned counsel further submits that a counter-case has also been filed by the petitioner's side. It is submitted that the co-accused, Mithilesh Rajak, has already been granted bail by a Coordinate Bench of this Court in Criminal Miscellaneous No. 20850 of 2026, and Punam devi has also been granted anticipatory bail by a Coordinate Bench of this Court in Criminal Miscellaneous No. 3995 of 2026. Learned counsel further submits that the petitioner has a clean antecedent. Learned counsel lastly submits that the petitioner undertakes to cooperate in the trial and not to repeat the offence.

5. The petitioner has been in judicial custody since 14.09.2026.

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6. Learned A.P.P. on behalf of the State has opposed the application.

7. Taking into consideration the entire facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Banka or concerned Court, in connection with Belhar P.S. Case No. 319 of 2025, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of the trial.

(ii) One of the bailors must be a close relative of the petitioner, such as his mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) If the petitioner repeats an offence of a similar nature, his bail bond shall be liable to be cancelled by the Court below after following due process of law.

(v) Before release, the learned Court below shall

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verify the criminal antecedent of the petitioner and if the petitioner is found involved in any case other than the present one, his bail bond shall not be accepted.

(vi) It is also made clear that there shall be no delay in verifying the criminal antecedents of the petitioner and the delay shall not extend beyond the period of ten days.

(Raj Kumar, J)

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