

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88852 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- SIRISIYA District- West Champaran

1. Dhiraj Kumar Son of Chandeshwar Mahto Resident of village - Sabeya Khurd, Police Station - Sirisiya, District - West Champaran.
2. Niraj Kumar Son of Chandeshwar Mahto Resident of village - Sabeya Khurd, Police Station - Sirisiya, District - West Champaran.

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Brij Kishor Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-01-2026 Heard Mr. Brij Kishor Mishra, learned counsel for the petitioners and Mr. Shantanu Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sirisiya P.S. Case No. 87 of 2025, F.I.R. dated 22.05.2025 for the offences punishable under Sections 126(2), 115(2), 117(2), 303(2), 352, 351(2) and 3(5) of the BNS, 2023.

3. According to prosecution case, all the accused persons including these petitioners over a water dispute brutally assaulted the informant and his brother due to which they have received injuries.

4. Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been implicated in the present case due to some water dispute. There is case and counter case between the parties. The petitioners are named in the F.I.R and there is specific allegation is against them that they have assaulted to the informant and his brother due to which Abhishek Kumar Mani (informant) and Vivek Kumar Mani have received injury and the doctor has opined that:- "***Abhishek Kumar Mani*** has received the following injuries-

1. Incised wound over mid frontal region 3.5 cm x 0.5 cm x bone touch. (Expert opinion, Reg. no. 21556-NCCT=NAD) Report attached.

2. Abrasion over left side of lower abdomen 3 cm x 0.25 cm.

3. Abrasion over left side of occipital region 4 cm x 0.25 cm.

Identification mark:- Mole on right cheek.

Age of Injury/Injuries:- Within six hours.

Nature of Injury:- Injury no. 01 caused by sharp cutting object and Injury no. 02 & 03 are by hard & blunt object, A are simple in nature.

Vivek Kumar Mani has received the following injuries-

1. Scalp pain. (Expert opinion, Reg. no. 21553- NCCT & X-Ray-NAD) Report attached.

2. Redness over back of neck.

3. Pain over right hand.

Identification mark:- Mole on left cheek.

Age of Injury/Injuries:- Within six hours.



Nature of Injury:- *All are simple in nature caused by hard & blunt object."*

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and they have assaulted the informant and his family members and apart from the aforesaid the petitioners carries one criminal antecedent other than the present one but fairly submits that the petitioners are on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 J.M. 1st Class, Bettiah, West Champaran in connection with Sirisiya P.S. Case No. 87 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 their absence on two consecutive dates without sufficient



reason, their 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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