

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89010 of 2025

Arising Out of PS. Case No.-651 Year-2025 Thana- MADHAURAH District- Saran

1. Raju Ray S/O Late Punit Ray Resident of Vill.- Mubarakpur, P.S- Marhowrah, Saran, Bihar
2. Rajesh Ray @ Rajeshwar Ray S/O Late Punit Ray Resident of Vill.- Mubarakpur, P.S- Marhowrah, Saran, Bihar
3. Dinesh Ray @ Dineshwar Ray S/O Late Punit Ray Resident of Vill.- Mubarakpur, P.S- Marhowrah, Saran, Bihar

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Shweta Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-01-2026 Heard Mr. Shweta Anand, learned counsel for the petitioners and Mr. Abhay Kumar Roy, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Marhowrah P.S. Case No. 651 of 2025, F.I.R. dated 24.09.2025 for the offences punishable under Sections 115(2), 126(2), 351(2), 352, 109 and 3(5) of the BNS, 2023.

3. According to prosecution case, all the accused persons abused and assaulted the informant and his family members by means of *farsa* due to which they got injured.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. As per the allegation in the F.I.R, the date of occurrence is 18.09.2025 but the present F.I.R has been instituted on 24.09.2025 i.e., after delay of 6 days. Although there is specific allegation of assault attributed against the petitioners that they have assaulted to the informant and his family members due to which they have received injury but the injury report of the injured persons suggest that the injuries are simple in nature caused by hard and blunt substance.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is case and counter case between the parties and the injury received by the injured persons are simple in nature, 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) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran, Chapra in connection with Marhowrah P.S. Case No. 651 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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