

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6820 of 2025

Arising Out of PS. Case No.-167 Year-2024 Thana- Gaura P.S. District- Saran

1. Sudhir Kumar, Male, Aged about 26 years, Son of Raghav Dubey
2. Ankush Kumar @ Ankush Kumar Dubey, Male, Aged About 20 years, S/o Raghav Dubey.
Both Resident of Village- Rampur, P.S.- Gaura, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, A.P.P.
For the Informant	:	Mr. Subham Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-03-2025 Heard Mr. Rakesh Kumar, learned counsel appearing on behalf of the petitioners; Mr. Subham Kumar Singh, learned counsel appearing on behalf of the Informant and Mr. Sanjay Kumar Tiwary , learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Gaura P.S. Case No. 167 of 2024 registered for the offence punishable under Sections 126(2), 115(2), 118, 118(2), 303(2) and 3(5) of the Bharatiya Nyaya Sanhita (B.N.S.), 2023.

3. As per the allegation made in the FIR, petitioners along with other accused persons had assaulted the informant by means of sharp cutting weapons, due to which, the informant had sustained injury.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Due to land dispute, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injuries to the informant, which have been opined by the doctor to be simple in nature. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant vehemently opposed the prayer for grant of pre-arrest bail and submitted that with a common intention to kill the informant, the petitioners had assaulted him by means of sharp cutting weapon causing injuries.

6. Learned APP for the State also vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the rival submissions made on behalf of the parties, as well as, the fact that due to land dispute, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injuries to the informant, which have been opined by the doctor to be simple in nature. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to



be released on pre-arrest bail.

8. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Gaura P.S. Case No. 167 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

9. The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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