

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9131 of 2025

Arising Out of PS. Case No.-218 Year-2024 Thana- AWTARNAGAR District- Saran

1. Jitan Ray Son of Laxman Ray Resident of Village- Santha PS -Awtar Nagar, Dist- Saran
2. Birbal Kumar Yadav @ Birbal Ray son of Laxman Ray Resident of Village- Santha PS -Awtar Nagar, Dist- Saran
3. Sanjay Kumar Yadav @ Sanjay Ray son of Laxman Ray Resident of Village- Santha PS -Awtar Nagar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate.
For the Informant	:	Mr. R. K. Sinha, Advocate.
		Mr. Gajendra Nath Ojha, Advocate.
For the Opposite Party/s :		Mr.Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-05-2025 Heard Mr. Manoj Kumar, learned counsel appearing on behalf of the petitioners; Mr. R. K. Sinha, learned counsel along with Mr. Gajendra Nath Ojha, learned counsel for the informant and Mr. Sanjay Kumar Tiwary, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Awtar Nagar P.S. Case No. 218 of 2024 registered for the offence punishable under Sections 191(2), 191 (3), 190, 126(2), 115(2), 118(1), 117, 109, 352 and 351 (2) of the BNS, 2023.

3. As per the allegation made in the F.I.R., the petitioners along with other family members assaulted the



informant and his family members, in which the informant and other family members sustained injury.

4. Learned counsel appearing on behalf of the petitioners submitted that there is case and counter case between the parties. Petitioners are innocent and the injury sustained by the victim is simple in nature. Both the parties sustained injury arising out of the same incidence, which has occurred on 18.08.2024.

5. Mr. R. K. Sinha, learned counsel tendered his appearance on behalf of the informant and submitted that the petitioners having lost their case in Title Suit No. 443 of 2001 and injuncted from going to the plot in question vide Judgment and Decree dated 29.06.2024 have assaulted the informant and his family members with a common intention to kill them by hatching conspiracy. He further submitted that the information contained in Para-13 of the bail application in support of the injury claimed by the petitioner to be simple in nature is also cannot be sustained in view of the fact that the incidence has taken place two months back. Learned counsel submitted that the informant has every reason that the petitioners will kill them, if they are released on pre-arrest bail.

6. Learned APP for the State has supported the



argument advanced on behalf of the informant.

7. Having considered the rival submissions made on behalf of the parties as well as the fact that the judgment and decree was passed on 29.06.2024, a zerox copy of which is kept on the record, the petitioners having lost in the said case appear to have indulged in commission of offence as alleged in the F.I.R., with a common intention to kill the entire family members of the informant, specific allegation against the petitioner nos. 1 & 2 is that they assaulted Kaushal Kishore with a common intention to kill him on his head and injury which has been submitted after two months of the lodging of the F.I.R. has been recorded to be simple in nature, so far as petitioner no.3 is concerned, specific allegation against him is that he had assaulted Birendra Kishore (informant) and the injury report of the informant who was examined after two months, which has been brought on record, shows the injury to be simple in nature. Such information is contained in Para-13 of the bail application. I find that there is every reason to record that the incidence had occurred on 18.08.2024 and the parties have admitted that both the parties sustained injury, there is case and counter case, the injury report about which the petitioner has claimed in Para-13 of the bail application appears to be after long treatment of the



victim, in view of the admitted position, I find that the petitioners have 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 Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Chhapra at Saran in connection with Awtar Nagar P.S. Case No. 218 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

9. However, this Court directs the learned District Court to call for the injury report and the opinion of the doctor in respect of the victim Kaushal Kishore and Birendra Kishore (informant) and also any injury report prepared immediately after the alleged incidence and also verify the statement made in Para-13 of the bail application by the petitioners that the injuries are simple in nature and if it is found that the injuries sustained by the victims Kaushal Kishore and Birendra Kishore are grievous in nature, then in that case, the petitioners don't deserve to be released on bail.



10. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

11. The bail application stands disposed of.

(Purnendu Singh, J)

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