

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10565 of 2025

Arising Out of PS. Case No.-79 Year-2024 Thana- Mufassil District- Khagaria

1. Santosh Singh @ Santosh Kumar Singh S/O Jaiprakash Singh R/O Vill.- Ranko, P.S.- Mufassil, Dist.- Khagaria.
2. Anshu Kumar, Male, Aged about 26 years, son of Abhay Mahto @ Kukki Mahto @ Avay Kumar, resident of Village- Sansarpur, Police Station.- Mufassil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parmatma Singh, Advocate
For the State	:	Mr. Zainul Abedin, A.P.P.
For the informant	:	Mr. Shailendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-05-2025 Heard Mr. Parmatma Singh, learned counsel appearing on behalf of the petitioner no. 2 ; Mr. Zainul Abedin, learned APP for the State and Mr. Shailendra Kumar, learned counsel for the informant.

2. The petitioner no. 2 seeks pre-arrest bail in connection with (Khagaria) Muffasil P.S. Case No. 79 of 2024 arising out of G.R. No. 2001 of 2024, registered for the offence punishable under Sections 341, 323, 325, 354(B), 307, 447, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.



3. As per the allegation made in the FIR, petitioner along with 40 to 50 other unknown persons had assaulted the informant and his family members, due to which, they had sustained injuries. Specific allegation against petitioner no. 2 is that he had assaulted the father of the informant by means of iron rod, due to which, his right hand got fractured.

4. Learned counsel appearing on behalf of the petitioner no. 2 submitted that petitioner is innocent and has falsely been implicated in the present case. General and omnibus allegation has been levelled against the petitioner. The opinion of the doctor is reserved with respect to the injury sustained by the father of the informant. Petitioner no. 2 has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant submitted that the petitioner along with 40 to 50 unknown persons, had entered into the house of the informant with a common intention to kill the informant and his family members.

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, having perused the case diary, the specific allegation against the petitioner no. 2 is that he had assaulted the father of the informant, who had sustained injury on his right hand and the opinion of the doctor is reserved in this regard. I am of the opinion that petitioner no. 2 has, *prima facie*, made out a case to be released on pre-arrest bail.

8. The learned District Court is directed to examine the injury report of the father of the informant and if it is found that the injury sustained by the father of the informant is simple in nature, the petitioner no. 2, namely, Anshu Kumar, is directed to be released on pre-arrest bail, in the event of his/her 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with (Khagaria) Muffasil P.S. Case No. 79 of 2024 arising out of G.R. No. 2001 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner no. 2 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner no. 2 as what has been stated



in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

