

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14934 of 2025

Arising Out of PS. Case No.-11 Year-2024 Thana- Chitragupta Nagar District- Khagaria

1. Rajkumar S/o Suresh Prasad R/o - chhawani chowk churiya mata road, ward no 1, P.o - Bettiah, Banu chhapar, P.s - Banu chhapar, Distt.- West Champaran
2. Baijnath Yadav @ Vaijnath Yadav S/o Pawan Yadav R/o Masdi, Post-Sultanganj, PS.- Sultanganj, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Amit, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP
For the Informant	:	Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 03-09-2025 Heard Mr. Kumar Amit, learned counsel appearing on behalf of the petitioners; Mr. Damodar Prasad Tiwary, learned APP for the State and Mr. Ram Sumiran Rai, learned counsel appearing on behalf of the Informant.

2. The petitioners seek pre-arrest bail in connection with Chitragupta P.S. Case No. 11 of 2024 registered for the offence(s) punishable under Sections 341, 342 ,323, 385, 307, 379, 504, 506,34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners along with other Excise Officers brutally assaulted the son-in-law of the informant causing him grievous injuries, with an intention to kill.



4. Learned counsel appearing on behalf of the petitioners submitted that the petitioner no.1 is Sub-Inspector and the petitioner no.2 is Assistant Sub-Inspector in the Prohibition and Excise Department, Khagaria and the genesis of the offence is to forcibly release the motorcycle from the petitioners, who were on their official duty, without following the due process of law. There is case and counter case between the parties arising out of the same incidence and the petitioners have lodged an FIR against the son-in-law of the informant and other persons bearing Chitragupta P.S. Case No. 12 of 2024. Learned counsel further submitted that the petitioners had no intention to assault the son-in-law of the informant rather they had admitted him in the hospital and had also incurred money in the treatment. However, the petitioners' counsel submitted that the petitioners are benevolent enough to help the son-in-law of the informant with a sum of Rs.50,000/-. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. *Per contra*, Mr. Ram Sumiran Rai, learned counsel appearing on behalf of the informant submitted that there is direct allegation against the petitioners that they have brutally assaulted the son-in-law of the informant, who has sustained serious injuries and is still under treatment. Any commitment of



the petitioners to help the son-in-law of the informant will not absolve them from the allegation against them.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and has also supported the submission made on behalf of the informant.

7. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR the alleged incidence took place when the petitioners were on official duty and there is case and counter case between the parties, 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 Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/ successor Court in connection with Chitragupta P.S. Case No. 11 of 2024, subject to the conditions as laid down under Section 482 of the BNSS.

9. The learned 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 paragraph No.3 of the bail application,
this order will automatically lose its force.**

(Purnendu Singh, J)

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