

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14941 of 2025

Arising Out of PS. Case No.-155 Year-2024 Thana- KASHICHAK District- Nawada

1. Md. Nawab Son of Late Mojibur Rahman Resident of Village-Bauri, P.-S Kashichak, Distt.- Nawadah
2. Md. Sohrab Son of Late Mojibur Rahman Resident of Village-Bauri, P.-S Kashichak, Distt.- Nawadah
3. Md. kaif @ Jaidi Son of Sahjad Alam Resident of Village-Bauri, P.-S Kashichak, Distt.- Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md Abu Haidar, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP
For the Informant	:	Mr. Vibhuti Ranjan Sonvadra, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 03-09-2025 Heard Mr. Md Abu Haidar, learned counsel appearing on behalf of the petitioners; Mr. Rabindra Kumar, learned APP appearing on behalf of the State and Mr. Vibhuti Ranjan Sonvadra, learned counsel appearing on behalf of the Informant.

2. The petitioners apprehend their arrest in connection with Kashichak P.S. Case No. 155 of 2024 registered under Sections 191(2), 190, 126(2), 115(2), 109, 303(2), 324(4), 329(3), 352, 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. As per the allegation made in the FIR, all the accused persons assaulted the informant and her son and also



committed theft.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submitted that there is case and counter case between the parties and the petitioners lodged an FIR bearing Kashichak P.S. Case No. 156 of 2024 against the informant. In self-defence, the petitioners may have caused some injury to the informant. Learned counsel submitted that all the injuries sustained is simple in nature. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Mr. Vibhuti Ranjan Sonvadra, learned counsel appearing on behalf of the Informant submitted that it is admitted by the parties that the case between the parties is due to water logging and the action of the petitioners, having attempted to murder the informant and her son, cannot be ruled out. Charge-sheet has not been submitted till date and there is every likelihood that the petitioners can influence the same as the petitioners are having criminal antecedent, as would appear from the information given in para-3 of the application and the petitioners don't deserve to be released on pre-arrest bail.

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 parties.

7. Considering the rival submissions made on behalf of the parties, as well as, the fact that there is a case and counter case between the parties and in self-defence, the petitioners may have caused some injury to the informant and her son and having considered the information contained in para-3 of the bail petition, I am not inclined to enlarge the petitioner no.1 on pre-arrest bail.

8. So far as, the petitioner nos.2 and 3 are concerned, I am of the opinion that the petitioner nos.2 and 3 have, *prima facie*, made out a case to be released on pre-arrest bail.

9. The learned District Court is directed to release the petitioner nos.2 and 3 on anticipatory 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. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Nawadah/ successor Court in connection with Kashichak P.S. Case No. 155 of 2024, subject to the condition as laid down under Section 482 of the B.N.S.S.

10. 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.

11. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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