

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14207 of 2025

Arising Out of PS. Case No.-458 Year-2024 Thana- MADHUBAN District- East Champaran

1. Rakesh Kumar @ Rakesh Kumar Sah, aged about 30 years, (M) Son of Rajkishor Prasad @ Chulahai @ Rajkishor Sah
 2. Suraj Kumar, aged about 25 years, (M) Son of Rajkishor Prasad @ Chulahai @ Raj Kishor Sah
- Both are residents of village- Madhuban Dachhini, Ward No. 8, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 02-09-2025 Heard Mr. Abhishek Kumar, learned counsel appearing on behalf of the petitioners and Mr. Mohammed Arif, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Madhuban P.S. Case No. 458 of 2024, registered for the offence punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2), 351(3) and 3(5) of the B.N.S.

3. As per the allegation made in the FIR, petitioners had assaulted the husband of the informant causing head injury.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Though the injury



sustained by the husband of the informant is on the vital part of the body, however, the same has 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 APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR and the fact that the injury sustained by the husband of the informant is on the vital part of the body, however, the same has 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.

7. 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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Motihari, East Champaran, in connection with Madhuban P.S. Case No. 458 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS.



8. 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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